





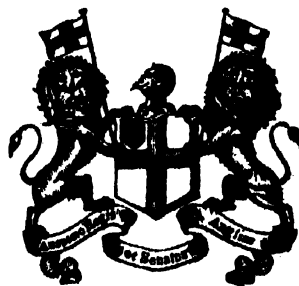




THE  
**REGULATIONS AND LAWS**  
ENACTED BY THE  
**GOVERNOR GENERAL IN COUNCIL,**  
FOR  
THE CIVIL GOVERNMENT  
OF  
*The whole of the Territories under the Presidency*  
OF  
**FORT WILLIAM IN BENGAL.**

VOL. VIII.  
CONTAINING THE REGULATIONS FOR 1820—1826.

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1828.



# TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1820.



## REGULATION

### I.

A REGULATION for providing that all Sales of certain Talooks made answerable by Sale for Arrears of the Zemindar's Rent, shall be conducted in the Mode prescribed by Regulation VIII. 1819, for the Sales therein described.—Passed on the 11th January, 1820.

### II.

A REGULATION to enable the Magistrate of Hooghly, the Court of Circuit for the Division of Calcutta, and the Court of Nizamut Adawlut, to take Cognizance of certain Offences committed by Natives within the Limits of the Settlements of Chandernagore and Chinsurah.—Passed on the 25th February, 1802.

### III.

A REGULATION for rescinding some of the Provisions of Regulation XI. 1806, and for preventing the Practice of pressing Coolies or Begarees.—Passed on the 24th March, 1820.

### IV.

A REGULATION for declaring the Power of the Magistrates to give Effect to military Sentences in certain Cases; for providing for the more efficient Exercise of the Control of the Courts of Circuit over the Sentences of the Magistrates in certain Cases; and for amending Clause Second, Section 3, Regulation XII. 1818.—Passed on the 21st July, 1820.

### V.

A REGULATION for imposing a general Custom Duty on Tobacco.—Passed on the 25th August, 1820.

### VI.

A REGULATION for rescinding Sections 46, 47, and 48, Regulation XLV. 1803.—Passed on the 25th August, 1820.

### VII.

A REGULATION for altering the Punishment and Form of Trial, in Cases of Dhurna.—Passed on the 8th December, 1820.



# TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1821.



## REGULATION

### I.

A REGULATION for the Appointment of a special Commission in the ceded and conquered Provinces, for the Investigation and Decision of certain Claims to recover Possession of Land illegally or wrongfully disposed of by public Sale, or lost through private Transfers effected by undue Influence ; and for the Correction of the Errors or Omissions of the Proceedings adopted by the Revenue Officers in regard to the Record and Recognition of proprietary Rights, and the Ascertainment of the Tenures, Interests, and Privileges of the agricultural Community.—Passed on the 13th January, 1821.

A REGULATION for increasing the Powers of Moonsiffs ; for extending, in special Cases, the Powers of Sudder Ameens in the Trial and Decision of Civil Suits ; and for authorizing the Zillah and City Registers, and Sudder Ameens, to discharge certain additional Duties under the Direction of the Zillah and City Judges, for providing for an Increase in the Number of Moonsiffs when Necessary, and for authorizing Sudder Ameens to hold their Cutcherries at any Place where there may be a Register holding his Court at a Distance from the fixed Station of the Judge and Magistrate ; also for amending the Rules at present in Force for the Institution of Suits connected with the local Jurisdiction of such Registers ; for rescinding such Parts of the existing Regulations as authorize the Registers of Civil Courts to receive a Proportion of the Institution Fees on Suits which may be referred to them for Decision ; for altering in certain Cases the Rule at Present in Force for the Execution of Decrees of the Provincial Courts in original Suits, and of the Decrees of the Court of Sudder Dewanny Adawlut on Appeals from such Decrees ; and for abolishing the Office of Register of the Provincial Courts of Appeal and Circuit.—Passed on the 19th January 1821.

### III.

A REGULATION for extending in special Cases the Powers of Assistants to the Magistrates ; for empowering the Hindoo and Mahomedan Law Officers of the Zillah and City Courts and Sudder Ameens to try and determine petty Thefts, and other criminal Cases of a trivial Nature, when referred to them by a Magistrate ; for limiting the Period of Appeal in Foujdaree Cases ; for rescinding Parts of Section 12, and Section 17, Regulation XXII. 1816 ; for modifying some of the Rules in Force relative to the Rate and Collection of the Assessment levied for the Maintenance of Chokeedars of Police ; and for vesting the Magistrates with certain Powers in regard to Persons travelling through, or assembling within their Jurisdictions, under suspicious Circumstances.—Passed on the 19th January, 1821.

A REGULATION

## TITLES OF THE REGULATIONS.

### IV.

**A REGULATION** for authorizing a Collector of Land Revenue or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain Cases, the Powers of Magistrate or joint Magistrate ; and for authorizing a Magistrate or joint Magistrate, or Assistant to a Magistrate, to exercise in certain Cases the Powers of a Collector of Land Revenue, or of any other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues ; also, for explaining the Duties of an Assistant to a Collector of Revenue, and for defining the Duties and Powers vested in Assistant Collectors or other Officers appointed to the Charge of the Revenues of Pergunnahs or other local Divisions, or employed in the Performance of any Portion of the Functions ordinarily belonging to Collectors of Land Revenue.—Passed on the 19th January, 1821.

### V.

**REGULATION** for settling the Rates at which Benares and Furruckabad Rupees shall be received in Payment of the Revenue of Malguzars, whose Engagements are expressed in Gohurshahee or Tirsoolee Rupees.—Passed on the 23d November, 1821.

# TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1822.



## REGULATION

### I.

A REGULATION for amending Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809.—Passed on the 18th January, 1822.

### II.

A REGULATION for modifying certain Provisions in the existing Regulations relative to the Officers employed in the Collection of Government Customs and Town Duties.—Passed on the 19th March, 1822.

### III.

A REGULATION for modifying the Constitution and altering the Jurisdiction of the several Boards vested with the Superintendence of the Land Revenue, in the Territories belonging to the Presidency of Fort William.—Passed on the 19th March, 1822.

### IV.

A REGULATION to provide for the more effectual Administration of Criminal Justice in certain Cases.—Passed on the 29th March, 1822.

### V.

A REGULATION for amending certain Provisions of Regulation IX. 1808.—Passed on the 13th June, 1822.

### VI.

A REGULATION to establish a Court of Wards for Benares, and to define and explain certain of the Rules regarding the Powers and Jurisdiction of the several Courts of Wards.—Passed on the 1st August, 1822.

### VII.

A REGULATION for declaring the Principles according to which the Settlement of the Land Revenue in the ceded and conquered Provinces, including Cuttack, Puttaspore, and its Dependencies, is to be hereafter made, and the Powers and Duties belonging to Collectors or other Officers employed in making, revising, or superintending Settlements; for continuing, with certain Exceptions, the existing Leases within the said Provinces for a further Term of five Years; for defining, settling, and recording the Rights and Obligations of various classes and Persons possessing an interest in the Land, or in the Rent or Produce thereof; and for vesting the Revenue Authorities with judicial Cognizance in certain Cases of Suits and Claims relating to Land, the Rent and Produce of Land.—Passed on the 8th August, 1822.

A REGULATION



## TITLES OF THE REGULATIONS.

### VIII.

**A REGULATION** *to declare, that Persons charged with Crimes and Misdemeanors must ordinarily be brought to Trial at the Foujdaree Court or Sessions of the District in which such Crimes or Misdemeanors may be perpetrated, and to vest the Governor General in Council and Nizamut Adawlut with a discretionary Power as to the Place of Trial.*—Passed on the 12th September, 1822.

### IX.

**A REGULATION** *to extend the Rules of Regulation V. 1809, and of Section 6, Regulation I. 1822, to Emigrants from foreign States, and other Aliens settled in the British Territories, or living and residing therein for a Period of six Months and upwards; also to provide for the Execution, by zillah and city Magistrates, of Sentences passed by Tribunals established by Government in Countries not subject to the general Regulations.*—Passed on the 19th September, 1822.

### X.

**A REGULATION** *for exempting the Garrow Mountaineers and other rude Tribes on the North Eastern Frontier of Rungpore, from the Operation of the existing Regulations; and for establishing a special System of Government for the Tract of Country occupied by them, or bordering on their Possessions.*—Passed on the 19th September, 1822.

### XI.

**A REGULATION** *for modifying and explaining the existing Regulations relative to the Sale of Land for the recovery of Arrears of Revenue; for declaring Government not to be liable for any Errors or Irregularities in the Proceedings of the Courts of Justice; and for making further Provision for the Conduct of the Revenue Officers in certain Cases.*—Passed on the 22d November, 1822.

## TITLES OF THE REGULATIONS.

### VIII.

A REGULATION for rescinding Regulation IV. of 1813, for determining the Rates of Toll to be levied on Boats, Rajts, Timbers, and the like, passing through the Bhagauruttee, Jellinghee, Issamuttee, Matabhangaah, and Choornee Rivers; and for providing for the better Collection of the Toll, and for the secure Navigation of the aforesaid and other navigable Rivers.—Passed by the Governor General in Council, on the 8th April, 1824.

### IX.

A REGULATION to extend, with certain Exceptions and Conditions, the existing Settlement in the Conquered Provinces and in Bundelcund, for a further Period of five Years.—Passed by the Governor General in Council, on the 1st July, 1824.

### X.

A REGULATION for modifying and amending the Rules at present in Force, in regard to the Pardon of Persons charged with, or suspected of criminal Offences.—Passed by the Governor General in Council, on the 8th July, 1824.

### XI.

A REGULATION for empowering the Zillah and City Judges and Magistrates, to depute their Registers or Assistants, for the Purpose of making local Investigations in certain Cases.—Passed by the Governor General in Council, on the 15th July, 1824.

### XII.

A REGULATION for reviving the Penalty formerly imposed on wilful Revenue Defaulters.—Passed by the Governor General in Council, on the 22d July, 1824.

### XIII.

A REGULATION for making further Provisions relative to the Office of Sudder Ameen.—Passed by the Governor General in Council, on the 22d July, 1824.

### XIV.

A REGULATION for modifying the Rules in force for referring to the Collectors summary Suits in Cases of Arrear or Exaction of Rent.—Passed by the Governor General in Council, on the 22d July, 1824.

### XV.

A REGULATION for enabling the Magistrates and Joint Magistrates to take summary Cognizance of Cases of forcible Dispossession from, or Disturbance in the Possession of Land or other Property, subject to a regular Suit in the Civil Court.—Passed by the Governor General in Council, on the 22d July, 1824.

### XVI.

A REGULATION for rescinding and modifying certain Parts of the existing Regulations, relating to the Collection of Stamp Duties.—Passed by the Governor General in Council, on the 18th November, 1824.

# TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1824.



## REGULATION

I.

A REGULATION for enabling the Officers of Government to obtain, at a fair Valuation, Land or other immovable Property, required for Roads, Canals, or other public Purposes; and for declaring in what Manner the Claims of the Zemindars, and of the Officers in the Salt Department, are to be adjusted in certain Districts, where Lands are required for the Purposes of Salt Manufacture.—Passed by the Governor General in Council, on the 8th January, 1824.

II.

A REGULATION for abolishing the Furruckabad Mint, and for modifying some of the Rules in Force relative to the Furruckabad Rupee.—Passed by the Governor General in Council, on the 5th February, 1824.

III.

A REGULATION to empower Government to extend the Jurisdiction of Registers in certain Cases.—Passed by the Governor General in Council, on the 12th February, 1824.

IV.

A REGULATION to provide more effectually for the Office of Register of Deeds.—Passed by the Governor General in Council, on the 12th February, 1824.

V.

A REGULATION for extending the Operation of Regulation VI. 1823, to the Provinces of Orissa, Behar, and Benares, and to the Ceded and Conquered Provinces.—Passed by the Governor General in Council, on the 4th March, 1824.

VI.

A REGULATION for defining the Course of Proceeding to be pursued by the Magistrates with respect to Individuals charged before them with two or more Offences in certain Cases; for modifying Clause second, Section 2, and for amending certain other Provisions of Regulation XII. 1818.—Passed by the Governor General in Council, on the 25th March, 1824.

VII.

A REGULATION for explaining and amending certain Parts of the Regulations at present in Force, respecting the Manufacture and Sale of Spirituous Liquors and Intoxicating Drugs; and for enacting certain Rules for the better Security of the Revenue derived from the exclusive Manufacture and Sale of Opium.—Passed by the Governor General in Council, on the 25th March, 1824.

VIII.



# TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1823.



## REGULATION

I.

A REGULATION to amend certain Parts of Regulation I. 1821.—Passed by the Governor General in Council, on the 20th February, 1823.

II.

A REGULATION for the more effectual Suppression of Affrays.—Passed by the Governor General in Governor General Council, on the 20th March, 1823.

III.

A REGULATION for preventing the Establishment of Printing Presses without License; and for restraining under certain Circumstances the Circulation of printed Books and Papers.—Passed by the Governor General in Council, on the 5th April, 1823.

IV.

A REGULATION for declaring the Intent of Section 14, Regulation VII. 1794; and for prohibiting the Judges of Circuit holding the Jail Deliveries from trying any Case in which the Prisoner or Prisoners may have been committed for Trial by themselves, in the Capacity of Superintendent of Police, Magistrate, Joint Magistrate, or Assistant Magistrate; for modifying the third and fourth Clauses of Section 2, Regulation XIV. 1811; and for rescinding Sections 4 and 5, Regulation XXIV. 1814, and Sections 2 and 4, Regulation XXV. 1814.—Passed by the Governor General in Council, on the 29th May, 1823.

V.

A REGULATION for giving Currency, throughout the Provinces dependant on the Presidency of Fort William, to *Rauamnahs*, issued by the Officers in Charge of the *Delhi Territory*; for reducing the transit Duty chargeable on Piece Goods, the Manufacture of the *British Territories*, from 7½ to 2½ per Cent.; and for making certain other Alterations in the Rules applicable to the Collection of Customs.—Passed by the Governor General in Council, on the 19th June, 1823.

VI.

A REGULATION for authorizing the Institution of Summary Suits to enforce the Execution of certain written Engagements for the Cultivation and Delivery of *Indigo Plant*, and for declaring certain Principles in Regard to the same.—Passed by the Governor General in Council, on the 10th July, 1823.

VII.

A REGULATION for prohibiting Loans by Covenanted Civil Servants from Persons subject to their official Authority and Influence.—Passed by the Governor General in Council, on the 30th October, 1823.

# TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1825.



## REGULATION

### I.

A REGULATION for declaring the Judicial Officers competent to superintend the Execution of their own Process in certain Cases ; and for extending to Officers entrusted with the Execution of a Magistrate's Warrant or other criminal Process, the Powers vested in Police Officers, by certain Provisions in Regulation XX. 1817.—Passed by the Governor General in Council, on the 13th January, 1825.

### II.

A REGULATION for amending the Rules in Force, relative to Applications for a Review of Judgment in regular original Suits and Appeals ; and for restricting the Admission of Special or Second Appeals by the Provincial Courts, and Court of Sudder Dewanny Adawlut.—Passed by the Governor General in Council, on the 24th March, 1825.

### III.

A REGULATION for empowering the Courts of Circuit to pass Sentence in certain Cases of Robbery, without Reference to the Court of Nizamut Adawlut.—Passed by the Governor General in Council, on the 24th March, 1825.

### IV.

A REGULATION for declaring the Magistrates and Criminal Courts empowered to require Recognizances, and Security for keeping the Peace, in certain Cases ; and for explaining some of the Provisions contained in Regulation VIII. 1818, relative to Security for good Behaviour.—Passed by the Governor General in Council, on the 24th March, 1825.

### V.

A REGULATION for removing certain Doubts as to the Legality of a Union of the Powers of Judge and Collector in the same Individual.—Passed by the Governor General in Council, on the 4th April, 1825.

### VI.

A REGULATION for rendering more effectual the Rules in Force, relative to Supplies and Preparations for Troops, proceeding through the British Territories.—Passed by the Governor General in Council, on the 4th April, 1825.

### VII.

A REGULATION to explain and amend the Rules in Force for the Execution of Decrees, or other Judicial Process, by the Sale of Landed Property, or otherwise.—Passed by the Governor General in Council, on the 14th April, 1825.

### VIII.



# TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1826.



## REGULATION

### I.

A REGULATION *for augmenting the Number of Judges of the Provincial Courts of Appeal and Circuit, as may from time to time appear necessary.—Passed on the 2d March, 1826.*

### II.

A REGULATION *to extend, with certain Exceptions and Conditions, the existing Settlement in the Provinces ceded by the Nawaub Vizier to the British Government, for a further Period of five Years.—Passed on the 26th April, 1826.*

### III.

A REGULATION *for extending to Dewanny Prisoners, some of the Provisions in Regulation XIV. 1816; and for modifying the Rule contained in Section 3, Regulation IV. 1816.—Passed on the 11th May, 1826.*

### IV.

A REGULATION *for expediting the Proceedings of the Mofussil and Sudder special Commissions, acting under the Provisions of Regulation I. 1821.—Passed on the 22d June, 1826.*

### V.

A REGULATION *for annexing to the Zillah of Agra, the Pergunnah of Goberdhun.—Passed on the 22d June, 1826.*

### VI.

A REGULATION *for constituting the Jurisdiction of the joint Magistrate, stationed at Futtehpore, a distinct Zillah.—Passed on the 13th July, 1826.*

### VII.

A REGULATION *for transferring the Control of the Benares Mint, from the Board of Revenue in the central Provinces, to a local Committee.—Passed on the 13th July, 1826.*

### VIII.

A REGULATION *for modifying certain Parts of Regulation VII. 1824, relative to contraband Opium.—Passed on the 13th July, 1826.*

### IX.

A REGULATION *for transferring the Superintendence of the Custom House at Patna, from the Board of Revenue in the central Provinces, to the Board of Customs at the Presidency; and for vesting the latter Board with the Control of the other Customs in the central and western Provinces, and in the Province of Cut-*  
tack,



## TITLES OF THE REGULATIONS.

*tack, concurrently with the central and western Boards of Revenue and the Commissioner of Cuttack respectively.—Passed on the 13th July, 1826.*

### X.

**A REGULATION** *for removing Doubts as to the Application of Section 50, Regulation X. 1819, to the District of Goruckpore ; for prohibiting the Manufacture, within any of the Districts of Bengal, Behar, and Orissa, of Noon-chye, or any description of saline Substance, used as a Condiment with Food, excepting on Account of, or with the Permission of Government ; and for providing for the retail Sale of Salt by Government Officers in certain Cases.—Passed on the 13th July, 1826.*

### XI.

**A REGULATION** *for providing a Succession of duly qualified Hindoo and Mahomedan Law Officers, in the several Courts of Justice, and for enacting an additional Rule for the Appointment of Vakeels in the Zillah and City Courts.—Passed on the 4th August, 1826.*

### XII.

**A REGULATION** *for raising and levying Stamp Duties within the Town of Calcutta.—Passed on the 14th December, 1826.*

# TITLES OF THE REGULATIONS,

PASSED IN THE YEAR

1827.



## REGULATION

### I.

A REGULATION for rescinding Regulation I. 1796, and providing a special Form of Trial, for the Mountaineers of Bhaugulpore; also for investing the Magistrate of Bhaugulpore with summary Powers, for the Adjustment of certain civil Claims.—Passed by the Vice-President in Council, on the 8th March, 1827.

### II.

A REGULATION to legalize certain criminal Trials, held in the Division of Bareilly.—Passed by the Vice-President in Council, on the 17th May, 1827.

### III.

A REGULATION for modifying and amending the Rules in Force, relative to the Law Officers and ministerial Native Officers of the Courts of Judicature, who may be guilty of Corruption or Extortion.—Passed by the Governor General in Council, on the 1st November, 1827.

### IV.

A REGULATION for extending, in special Cases, the Powers of Sudder Ameens, in the Trial and Decision of Civil Suits.—Passed by the Governor General in Council, on the 27th December, 1827.

### V.

A REGULATION for modifying the Rules at Present in Force for the Management of Estates, under Attachment by Orders of the Courts of Justice in certain Cases.—Passed by the Governor General in Council, on the 27th December, 1827.



# TITLES OF THE REGULATIONS,

PASSED IN THE YEAR

1828.



## REGULATION

### I.

**A REGULATION** *for empowering the Governor General in Council to commute Sentences of Imprisonment for Life in the Allipore Jail to Transportation for Life in any of the British Settlements in Asia, in certain Cases.—Passed by the Governor General in Council, on the 10th April, 1828.*

### II.

**A REGULATION** *for rescinding Parts of Regulation I. 1799.—Passed by the Governor General in Council, on the 10th April, 1828.*

### III.

**A REGULATION** *for the Appointment of special Commissioners for the more speedy Hearing and Determination of Appeals, from the Decisions of the Revenue Authorities in regard to Lands or Rents, occupied or collected by Individuals, without Payment of the Revenue demandable by Government, under the general Law of the Country ; and for otherwise more effectually securing the Realization of the public Dues.—Passed by the Governor General in Council, on the 12th June, 1828.*

### IV.

**A REGULATION** *to declare and extend the Powers to be exercised by Collectors when making or revising Settlements, under the Provisions of Regulation VII. 1822.—Passed by the Governor General in Council, on the 7th August, 1828.*

### V.

**A REGULATION** *for authorizing the Zillah and City Courts to execute Awards of military Courts in certain Cases.—Passed by the Governor General in Council, on the 28th August, 1828.*

### VI.

**A REGULATION** *to explain the Intent and Meaning of certain Parts of Regulation II. 1823.—Passed by the Governor General in Council, on the 4th September, 1828.*

### VII.

**A REGULATION** *for amending the Provisions of Regulation XV. 1795, and for defining the Authority of the Raja of Benares in the Mohauls therein referred to.—Passed by the Governor General in Council, on the 12th September, 1828.*

### VIII.

## TITLES OF THE REGULATIONS.

### VIII.

**A REGULATION** *for enlarging the Powers of the Magistrates, with regard to the Offence of Affrays.—*  
*Passed by the Governor General in Council, on the 16th October, 1828.*

### IX.

**A REGULATION** *for amending the Rules in Force in Regard to Special or Second Appeals, instituted in*  
*Forma Pauperis.—Passed by the Governor General in Council, on the 27th November, 1828.\**

# A. D. 1820. REGULATION I.



A REGULATION for providing that all Sales for certain *Talooka* made answerable by Sale for Arrears of the Zemindars' Rent, shall be conducted in the Mode prescribed by Regulation VIII. 1819, for the Sales therein described.—PASSED by the Governor General in Council, on the 11th January, 1820; corresponding with the 28th Poose 1226 Bengal era; the 11th Maug 1227 Fussily the 29th Poose 1227 Willaity; the 11th Maug 1876 Sumbut; and the 24th Rubee-ul-Awul 1235 Higeree

**W**HEREAS it has been omitted to provide in the rules of Regulation VIII. 1819, whether, in case the proprietor of an estate paying revenue to Government, should desire to bring to sale a saleable tenure of the nature defined in clause first, Section 8. of that regulation for the realization of arrears of rent due thereupon, by any legal process other than that prescribed by the second and third clauses of the said section, such sale should be made in the public manner provided for the periodical sales therein described; and whereas it is consonant with justice, and was intended by the said regulation, that, in every case of the sale of such tenures for arrears of the *zemindar's* rent, the sale should be public, for the security of the interests of the owner of the tenure sold; which object can in no manner be duly secured, except the sales to be so made be conducted by an officer of Government, in the same manner as the periodical sales provided for by Section 8. of the said regulation: the following additional rule has accordingly been passed by the Governor General in Council, to take effect from the date of its promulgation, within the several districts of Bengal, including Midnapore.

**II. First.** Whenever the proprietor of an estate paying revenue to Government shall desire to cause any tenure of the nature of those described in clause first, Section 8, Regulation VIII. 1819, to be sold for arrears of rent due to him on account thereof, and shall, under any summary process authorized by the general regulations, have acquired the right of causing such sale to be made, the same shall be conducted, after application from the *zemindar*, by the register or acting register of the *sillah* or city court, or in his absence by the person in charge of the office of judge of the district, in the mode prescribed by Regulation VIII. above quoted for periodical sales.

**Second.** Ten days notice shall be given before proceeding to sale, by proclamation, to be stuck up at the *cutcheree* of the court, and at that of the collector of the district.

**Third.** The rules of Sections 9, 11, 13, 15, and 17, Regulation VIII. 1819, are extended to all sales made after the manner herein provided.

Preamble

The rules of regulation, VIII. 1819, for periodical sales for the *zemindar's* arrears of rent, extended to other sales for rent.

Ten days notice to be given by proclamation.

Sections 9, 11, 13, 15, and 17, Regulation VIII. 1819, extended to sales under this regulation.



## A. D. 1820. REGULATION II.



A REGULATION to enable the Magistrate of Hooghly, the Court of Circuit for the Division of Calcutta, and the Court of Nizamut Adawlut, to take Cognizance of certain Offences committed by Natives within the Limits of the Settlements of Chandernagore and Chinsurah.—PASSED by the Governor General in Council, on the 25th February 1820 ; corresponding with the 14th Phagoon 1226 Bengal era ; the 26th Phagoon 1227 Fussily ; the 15th Phagoon 1227 Willaity ; the 12th Phagoon 1876 Sumbut ; and the 10th Jumadec-ul-Awul 1235 Higeree.

THE provisions contained in Regulations I. and XVI. of 1805, in Regulation II. 1808, and Regulation IX. 1809, relative to the administration of civil and criminal justice in the settlements of Chandernagore and Chinsurah, have ceased to be in force since the restoration of those settlements to the respective authorities of their majesties the King of France and the King of the Netherlands:—It being however necessary to provide for the cognizance of criminal offences of a heinous nature committed within those settlements by natives of India, to which offences the jurisdiction of the criminal courts established at the settlements of Chandernagore and Chinsurah does not extend, the following rules have been enacted.

II. *First.* The magistrate of Hooghly is hereby declared competent to receive into his custody, natives of India who may be forwarded to him by the superior authorities of Chandernagore and Chinsurah, charged with the commission of murder, robbery, and other crimes of a heinous nature within the limits of those settlements.

*Second.* After due examination into such cases, the magistrate will either discharge the prisoner, or if he shall find sufficient grounds for that measure, will commit the accused to take his trial before the court of circuit for the offence with which he may stand charged.

*Third.* The magistrate will not himself pass sentence of punishment on the accused, although the nature of the charge may be such as would warrant his doing so under the existing regulations ; but will either commit the prisoner to take his trial before the court of circuit, or will discharge him according to the circumstances of the case.

III. The court of circuit for the division of Calcutta, and the Nizamut Adawlut, are hereby respectively empowered to take cognizance of such cases, and to pass such sentence upon the prisoners as may be conformable to the provisions of the regulations which are now or may hereafter be in force within the province of Bengal.

IV. The foregoing provisions are hereby declared to be applicable to persons charged with having committed offences of the nature described in clause first, Section 2. of this regulation, in the interval between the restoration of the settlements of Chandernagore and

Preamble.

Magistrate of Hooghly empowered to receive into his custody certain persons charged with the perpetration of heinous offences in Chandernagore and Chinsurah.

Magistrate how to deal with such persons.

Not to pass sentence of punishment upon them himself.

Competency of the Calcutta court of circuit and the Nizamut Adawlut to take cognizance of such cases, and how to pass sentence.

Period from which the rules contained in this regulation are to have effect.





## A. D. 1820. REGULATION III.



A REGULATION for rescinding some of the Provisions of Regulation XI. 1806, and for preventing the Practice of pressing Coolies or Begarees.—Passed by the Governor General in Council, on the 24th March 1820; corresponding with the 13th Chyite 1226 Bengal era; the 25th Chyite 1227 Fussily; the 14th Chyite 1227 Willaity; the 10th Chyite 1877 Sumbut; and the 9th Jumadee-us-Sanee 1235 Higeree.

**W**HEREAS the authority vested by Regulation XI. 1806, in the collectors and their native officers, and in the magistrates and their police officers to assist in procuring coolies for the purpose of facilitating the march of detachments of troops, or the progress of individual travellers, has operated to encourage the highly injurious practice which prevails, of forcibly pressing certain classes of the inhabitants of the towns and villages under the denomination of *begarees* or coolies, for the purpose of carrying baggage or other loads from stage to stage or from village to village; and whereas the Governor General in Council has deemed it expedient to adopt measures for the entire suppression of the said highly objectionable practice, the following rules have been enacted, to have effect throughout the whole of the territories immediately subordinate to the presidency of Fort William, from the date of their promulgation.

Preamble.

II. Such part of the provisions of Regulation XI. 1806, as authorize the collectors and their native officers, or the magistrates and their police officers to give their official aid in procuring coolies for the purpose of facilitating the march of troops, or the progress of civil and military officers or other individuals travelling through the country, either on the public service or on their private affairs, is hereby rescinded.

Part of the provisions of Regulation XI. 1806, rescinded.

III. The practice of pressing or compelling individuals, whether under the denomination of coolies, *begarees*, or any other denomination, to carry burthens either for the public service or for the convenience of private individuals, is hereby positively prohibited; and the several magistrates and joint magistrates are required to adopt all legal means in their power to put an entire stop to the practice in question, by inquiring fully into all complaints which may be brought before them, and by subjecting persons regularly convicted of the offence, to such penalties as on a consideration of the circumstances of the case may appear to be proper, and consistent with the powers vested in the magistrates by the general regulations.

The practice of pressing *begarees* prohibited.

And the magistrates enjoined to put a stop to the practice by all legal means in their power.



## A. D. 1820. REGULATION IV.



A REGULATION for declaring the Power of the Magistrates to give Effect to military Sentences in certain Cases ; for providing for the more efficient Exercise of the Control of the Courts of Circuit over the Sentences of the Magistrates in certain Cases ; and for amending Clause second, Section 3, Regulation XII. 1818.—PASSED by the Governor General in Council, on the 21st July 1820 ; corresponding with the 7th Sawun 1227 Bengal era ; the 25th Assaar 1227 Fussily ; the 8th Sawun 1227 Wilaiity ; the 11th Assaar 1877 Sumbut ; and the 10th Sawaul 1235 Higerree.

**W**HEREAS doubts have been entertained as to the authority of the *zillah* and city magistrates, under the existing regulations, to give effect to the sentence of a general court martial, which may adjudge imprisonment with hard labour among the convicts of the civil power : and whereas it has been deemed advisable to provide for the more efficient exercise of the control of the courts of circuit over sentences passed by the magistrates under Regulation XII. 1818 : and whereas it has also been deemed advisable to declare, in amendment of Section 3. of that regulation, that in certain cases of theft, the magistrates shall commit the accused for trial before the court of circuit, solely with reference to the amount of the property stolen ; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Preamble.

**II.** It is hereby declared, that any *zillah* or city magistrate shall be competent to give effect to the sentence of a general court martial, adjudging imprisonment with labour among the convicts of the civil power, on the offender being delivered into his custody, and the sentence being certified to him for the purpose of his giving it effect, by the judge advocate general, or his deputy under the authority of the commander in chief ; and the sentence so certified shall serve as the magistrate's warrant and authority for carrying it into effect according to the terms of it.

Power of the magistrates to give effect to military sentences.

**III.** *First.* In addition to the rule contained in clause first, Section 6, Regulation XII. 1818, as far as regards the separate list of sentences passed by the magistrates under that regulation, and thereby required to be submitted to the court of circuit at the sessions, it is hereby provided, that monthly statements of such sentences shall be submitted to the court of circuit at the *sudder* station, in such form and manner as the Nizamut Adawlut may direct.

What returns of sentences under Regulation XII. 1818. to be submitted to courts of circuit.

*Second.* It is hereby further provided, that the court of circuit at the *sudder* station, shall be considered competent to call for the proceedings in such cases, where they may see cause, under the general provisions of Section 23, Regulation IX. 1807, without a petition being presented to that effect ; and to pass such orders thereon as they may deem proper and consistent with the regulations ; two or more judges being present if the sentence of the magistrate's court may be reversed or altered.

Power of courts of circuit to call for cases, on review of such returns.

**IV.** In amendment of clause second, Section 3, Regulation XII. 1818. it is hereby declared, that in cases of theft, where the amount or value stolen shall exceed the sum of three hundred rupees, the amount shall be deemed a circumstance taking the case out of the magistrate's jurisdiction as to passing sentence on the accused ; and shall make it necessary for him to commit the accused for trial to the court of circuit.

Clause second, Section 3, Regulation XII. 1819, amended.



## A. D. 1820. REGULATION V.



A REGULATION *for imposing a general Custom Duty on Tobacco.*—PASSED by the Governor General in Council, on the 25th August 1820; corresponding with the 11th Bhadoon 1227 Bengal era; the 2d Bhadoon 1227 Fussily; the 12th Bhadoon 1227 Willaity; the 2d Bhadoon 1877 Sumbut; and the 15th Zekand 1235 Higeree.

**W**HEREAS it has been deemed expedient, with a view to the improvement of the public revenue, to impose a general custom duty on tobacco within the territories immediately dependant on the presidency of Fort William; the Governor General in Council, with the sanction of the Court of Directors of the United Company of Merchants trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation.

II. *First.* So much of clause first, Section 12, Regulation IX. 1810, as enacts that a duty of ten per cent. shall be levied on the importation of tobacco into the district of Cuttack, is hereby rescinded.

Part of Regulation IX. 1810, rescinded.

*Second.* Section 9, Regulation I, 1812, is likewise hereby rescinded.

Part of Regulation I. 1812, also rescinded.

III. *First* The aforesaid article whether in leaf or in a prepared state, shall, on its importation or exportation at any port or place within the provinces subordinate to this presidency, be subject to a custom duty of four annas per maund of forty seer, each seer weighing eighty Calcutta sicca weight.

Tobacco whether in leaf or in a prepared state, declared subject, on importation or exportation, to a custom duty of four annas per maund.

*Second.* The same duty of four annas per maund shall be levied on the transit of the said article from place to place within the provinces subordinate to this presidency; provided however, that tobacco which shall have paid the prescribed duty once, whether on importation or transit, shall not be liable to any further duties in passing through the provinces subject to this presidency, excepting the town or consumption duty payable under the rules of Regulation X. 1810.—provided also, that on the exportation of tobacco on a British bottom to the United Kingdom, a drawback shall be allowed equal to the whole duty which may have been levied under this regulation, or under the provisions of Regulation X. 1810.

And also to a transit duty at the same rate.

Proviso, in cases where the prescribed duty has been once paid.

Exception as to the town duty payable under Regulation X. 1810.

Proviso, allowing a drawback on tobacco exported to the United Kingdom on a British bottom.

IV. The duty prescribed by this regulation shall be paid, levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government customs, on the importation, exportation, or transit of goods subject to such duties; and any attempt to import, export, or transport tobacco in breach of the said rules and provisions, shall subject the parties offending to the penalties prescribed in Regulation IX. 1810.

The prescribed duty on tobacco to be paid and levied under the rules in force for the collection of Government customs, and any breach of them declared subject to defined penalties.



## A. D. 1820. REGULATION VI.



A REGULATION *for rescinding Sections 46, 47, and 48, Regulation XLV. 1803.*—

*PASSED by the Governor General in Council, on the 25th August 1820; corresponding with the 11th Bhadoon 1227 Bengal era ; the 2d Bhadoon 1227 Fussily ; the 12th Bhadoon 1227 Willaity ; the 2d Bhadoon 1877 Sumbut ; and the 15th Zekaad 1235 Higeree.*

**W**HEREAS it being deemed no longer expedient to continue to individuals the privilege of tendering copper for coinage at the mint at Furruckabad, the following rule has been enacted, to be in force from the date of its promulgation.

Preamble.

II. Sections 46, 47, and 48, Regulation XLV. 1803, are hereby rescinded.

Sections 46, 47, and 48,  
Regulation XLV. 1803,  
rescinded.







# A. D. 1820. REGULATION VII.



A REGULATION for altering the Punishment and Form of Trial, in Cases of *Dhurna*.—PASSED by the Governor General in Council, on the 8th December 1820; corresponding with the 24th Aughun 1227 Bengal era; the 18th Aughun 1228 *Fussily*; the 25th Aughun 1228 *Willaity*; the 3d Aughun 1877 *Sumbut*; and the 1st *Rabee-ul-Awal* 1236 *Higeree*.

THE offence denominated *dhurna* implies, in its received acceptation, the practice of illegal duress by individuals, for the extortion of money, or for the recovery of debts without authority from the civil magistrate; and also without such authority for retaining or recovering the possession of land, or for carrying any other point of real, imaginary, or pretended interest or right. On the trial of the offence by a court of circuit, the existing regulations require, that, instead of the *fatwa* of the Mahomedan law officer, usual in other trials, a *vyavastha* shall be taken from the *pundit* of the provincial court, as to the fact of *dhurna* (according to the received acceptation) being established, or not, by the evidence adduced. But the *pundit* of the provincial court being stationary at the *sudder* station of the court, this mode of trial has been found to be attended with great delay, as well as otherwise unsatisfactory. And it has been ascertained, that the act of *dhurna* is a misdemeanor punishable in Mahomedan law, under the head of *zulm*, or oppression. It having accordingly been deemed advisable, that in trials before a court of circuit for *dhurna*, a *fatwa* should be given by the Mahomedan law officer as in other trials, in lieu of the *vyavastha* hitherto taken; and it having also been deemed advisable that the magistrates should have power to pass sentence in minor cases of the offence of *dhurna*; and further, that the existing penalties annexed to the offence should be revised and simplified; the following rules have been enacted, to be in force from the date of their promulgation throughout the provinces immediately subject to the presidency of Fort William.

Preamble.

II. Sections 11. and 12, Regulation XXI. 1795; Regulation V. 1797; Section 6, Regulation VIII. 1799; Sections 9. and 10, Regulation III. 1804; and such other provisions in the existing regulations as relate to the offence of *dhurna*, are hereby rescinded. Notice of rules rescind-  
ed.

III. On a complaint in writing being presented to a magistrate against any Brahmin, or Brahmins, or against any other person or persons of whatever description, for sitting *dhurna*, the magistrate, upon oath being made to the truth of the information, shall issue a warrant or summons, (as the case may require,) under his seal and signature, for the apprehension, or appearance before him, of the person or persons thus complained against. On the accused being brought before the magistrate, he shall inquire into the circumstances of the charge, and examine the accused and the complainant, and also such other persons (whose depositions are to be taken on oath) as are stated to have any knowledge of the misdemeanor alleged; and commit their respective depositions to writing: and after this inquiry, if it shall appear to the magistrate that the misdemeanor charged was never committed, or that there is no ground to believe the accused to have been concerned in committing it, the magistrate shall cause him (or them) to be forthwith discharged; recording his reasons for the same. On the contrary, if it shall appear to the magistrate, that the misdemeanor was actually committed, and that there are grounds for believing the accused to have been concerned in the commission of it, the magistrate shall (except in the cases mentioned in Section 7.) cause the accused

Magistrates how to  
proceed on charges of  
*dhurna*.

## A. D. 1820. REGULATION VII.

to be committed to prison, or held to bail (according as in his discretion he shall judge proper) for trial at the next session of the court of circuit ; and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

Mode of trial for *dhurna*, before court of circuit.

IV. The trial of persons charged with *dhurna* shall take place before the court of circuit, in the same mode as is prescribed for other trials by the existing regulations ; and in lieu of the *vyavastha* hitherto taken from the *pundit* of the provincial court, the Mahomedan law officer of the court of circuit shall write his *futwa*, declaring, whether the offence charged is established, or not, against the accused.

What punishment for *dhurna* adjudicable by court of circuit.

V. On conviction of the offence of *dhurna* before a court of circuit, the penalties adjudicable shall be as follow ; namely, imprisonment in the civil jail for a term not exceeding one year, and fine not exceeding one thousand rupees ; commutable, if not paid, to further imprisonment for a term not exceeding one year.

Trials for *dhurna* when referrible.

VI. Trials held before a court of circuit in cases of *dhurna*, shall be referrible to the Nizamut Adawlut, or not, according to the rules applicable in other trials.

In what cases of *dhurna* magistrates may pass sentence, and to what extent.

VII. It shall be competent to the magistrates, in charges for the offence of *dhurna*, which they may be of opinion, from the circumstances, do not require commitment to the court of circuit, to hear the evidence against and for the accused ; and if they consider the accused to be convicted, to pass sentence of fine not exceeding two hundred rupees ; commutable, if not paid, to imprisonment in the civil jail for a period not exceeding six months.

## A. D. 1821. REGULATION I.



**A REGULATION** *for the Appointment of a special Commission in the Ceded and Conquered Provinces, for the Investigation and Decision of certain Claims to recover Possession of Land illegally or wrongfully disposed of by public Sale, or lost through private Transfers effected by undue Influence; and for the Correction of the Errors or Omissions of the Proceedings adopted by the Revenue Officers in regard to the Record and Recognition of proprietary Rights, and the Ascertainment of the Tenures, Interests, and Privileges of the agricultural Community.*—PASSED by the Governor General in Council, on the 13th January 1821; corresponding with the 2d Maug 1227 Bengal era; the 25th Poose 1228 Fussily; the 3d Maug 1228 Willuity; the 10th Poose 1877 Sumbut; and the 8th Itubbi-us-Sanee 1236 Higeree.

**I**T has appeared that in the first seven or eight years after the acquisition of the ceded provinces by the British Government, the native officers of Government, their relations, connections, and dependents, taking advantage of the novelty of the British rule, of the weakness and ignorance of the people, and (in some cases) of the culpable supineness and misconduct of the European functionaries under whose authority they were employed, contrived by fraudulent and iniquitous practices to acquire very extensive estates in several of the provinces in question, more especially in the districts of Allahabad, Cawnpore, and Goruckpore, —thus wrongfully depriving of their just rights a great number of the ancient land-owners, and reducing them and their numerous dependents to ruin and misery. These abuses have been chiefly practised through the perversion to the purposes of chicanery and fraud, of the rules enacted for the collection of the Government revenue, more especially the provisions relating to the public sale of land for arrears. Under cover of these rules, but contrary to the true intent and meaning of the law by which (though a considerable discretion was left to the revenue authorities) the measure of a public sale was principally designed for cases of embezzlement, contumacy, or fraud, many estates were sold from which no balance (or a very trifling balance) was due, or on which the arrear accrued without any embezzlement, or wilful default on the part of the *sudder malguzars*, and others were disposed of without an observance of the prescribed forms. In several instances too a recourse was had to the measure of a public sale without any proper ascertainment of the liability of the proprietors, or the fact of their being under direct engagements to Government. Thus some estates would appear to have been brought to sale for arrears, although the parties responsible to Government for the revenue, held only a very limited interest in the *mohani* sold, or were persons possessing no fixed right of property therein, who had been recorded as proprietors, and admitted to engagements on the faith of fraudulent and abusive statements; and some appear to have been sold of which the *tehsildars* had themselves retained the immediate management, the ostensible *malguzars* being creatures of their own, or names purely fictitious being entered on the records. Under such circumstances sales were often effected through the misrepresentations of the *tehsildars*, made in collusion with the recorded *malguzars*, for the purpose of acquiring for one or other of the parties an ostensible title to the property by purchase at public sale. In like manner there is

Preamble.

## A. D. 1821. REGULATION I.

reason to believe, that persons erroneously recorded as the sole proprietors of *mohauls*, in which they possessed either no fixed property or a very limited interest, have in several instances been induced fraudulently to execute deeds of sale in favour of public officers of Government, their relations or dependants, purporting to convey the exclusive property of the lands comprized in the *mohaul* for which they were under engagements, and that on the faith of such deeds the purchasers have been recorded as the sole proprietors thereof. In almost all these cases, the purchasers, whether by public or private sale, taking an illicit advantage of the ignorance of the village occupants, and of their unacquaintance with the regulations, and the forms of judicial practice, have effected an extensive usurpation of private rights, and the consequent annihilation of institutions by which the village communities have immemorially been regulated. There is reason to believe, that the same evils have very generally occurred in all cases of sale for the recovery of arrears, even where the transfers of the estate held by the alleged defaulter was legal and valid: the purchasers having usually claimed to possess the whole of the lands comprized in the *mohaul* sold, without being subject to any of the restrictions and conditions arising out of private rights, which attached to the estate of the defaulter, and having frequently succeeded in establishing such claims to an extent not warranted by law. Thus in almost every *mohaul* sold in liquidation of arrears of revenue, many village *zemindars*, *putteedars* and other proprietors, though in no degree parties to the engagement of the defaulting *malguzar*, and holding under tenures of such a nature as not to be affected by the sale of the estate possessed by such defaulter, further than that by such sale, the obligations of the under-tenants towards the defaulter are transferred to the purchaser, have been deprived of their just rights, and either ousted from the lands, or reduced to the condition of tenants at will. There is further reason to believe, that, independently of cases of abusive alienation, the village *maliks* and others have in many cases sustained serious injury, through the insufficiency of the inquiries instituted by the revenue officers, in regard to the tenures under which land and the rights connected with land are held, and from the errors and defects of the public records relating to such matters: that in consequence of such errors and defects, many persons justly entitled to engage in chief for the revenue of the lands occupied by them, have been excluded from engagements in favour of persons erroneously recorded as proprietors, and that the real nature and extent of the interests actually possessed by different individuals and classes being ill ascertained and defined, great facilities have been afforded to chicanery and fraud: which have led and are likely still further to lead to consequences greatly injurious to individuals, and seriously affecting the peace and good order of the country. The persons who have suffered by the aforesaid abuses are for the most part poor and ignorant men; unaccustomed, under the former Government, to any regular system of law, little acquainted with the principles of the British code, or the regular forms of British judicial proceedings, incapable of availing themselves of the protection it was designed to afford, and possessing not the means of securing the aid of individuals better informed; while those opposed to them are for the most part men of wealth and power, who acquired their possessions through influence of official station, and by an abusive exercise of the authority vested in them as officers of Government, who are well acquainted with all the forms of law as administered in our courts, and who possess ample means of securing the retainers of the *adawlut* in their service. These indeed are themselves generally supposed to be much interested in maintaining the sales in question, and in supporting all the claims of the purchasers and the *sudter malguars*. Moreover in all suits brought to annul sales made for the recovery of arrears of revenue, the collector on the part of Government must, under the existing code, be made one of the defendants in the case along with the purchaser, and various other forms must be observed, which are likely to defeat the just claims of the ousted proprietors. The prosecution too in ordinary course of regular suits in the *adawlut* necessarily involves considerable delay and expense; requiring, besides a long attendance at the court, the payment of various fees, the employment of *vakils* and other expenses, which would alone operate greatly to prevent the complainants in question from seeking redress in that manner, even if the cases were such as to admit of easy decision by the regular tribunals. But the investigation of the abusive alienations and usurpations in question will apparently require a thorough research into voluminous and complicated revenue accounts, minute local inquiries, and a free and constant communication with the parties concerned, and with the local officers: and an active

tive inquiry into all the circumstances of the transactions, without reference to the mere points stated by the plaintiffs; such as the constitution of the established courts would not admit of their pursuing. Besides, the existing regulations do not vest the civil courts with so extensive a discretion in the adjustment of doubtful claims, and in the relief of parties suffering hardships, as the cases in question appear to demand. Further, the regulations applicable to the provinces in question, having been necessarily founded on incomplete information, are in many respects defective, so that several points requiring a distinct declaration of the views and intentions of the legislature, relative to the privileges designed to be vested by a settlement in the *sudder malguzar*, or conveyed to the purchaser by a public sale, as well as in regard to the extent of the authority vested in the revenue officers in deciding on the mode in which the public revenue is to be managed or collected, still remain to be settled, and cannot yet be settled by a general legislative enactment, without risk of error. The proceedings of the established courts must necessarily partake of any defects belonging to the law, which it is their duty to administer, and it would be obviously inconsistent with every sound principle to grant a general discretion to those courts to deviate from the law on individual views of expediency or justice. The established courts consequently are not so constituted as to provide an adequate remedy for the evils above specified, which can be completely corrected only by a tribunal exercising a larger discretion, and acting in more immediate communication with the Government than could with propriety be allowed in the case of the courts established for the general administration of civil justice. Even too if these courts were so constituted as adequately to provide for the trial and decision of the cases in question, yet the duty could not be completed by them for a long period of time, without an entire interruption of their ordinary functions; while the parties injured are equally incapable of supporting the expence of a protracted litigation in the *adawlut*, and of defending themselves in that course of proceeding against the arts and intrigues of their powerful adversaries. In consideration of the above circumstances, it has appeared to the Governor General in Council, to be essentially necessary to the ends of justice, that a special commission with large discretionary powers, and with full authority to regulate its proceedings according to the exigencies of the cases brought before it, should be constituted for the purpose of investigating the cases above described, of restoring to their just rights the *zemindars* and other proprietors, who have been wrongfully dispossessed; of defining and fixing the real nature and extent of the interests and title conveyed to the purchasers, in cases in which sales may be upheld; of restoring proprietors whose estates may, in consequence of the errors in the administration above noticed, have been transferred to another on account of a trifling balance, or for a trifling consideration, making due compensation to the present possessors; of granting redress to persons, who may have lost the possession or management of their estates without just cause, under the operation of a public sale, or through any act of a revenue officer, or who may have been wrongfully excluded from engagements with Government, and of making an equitable adjustment of doubtful claims: including the relinquishment upon due compensation of rights acquired or held under the strict operation of the law, by means inconsistent with equity and justice, or involving excessive hardship to the sufferers. The following rules have accordingly been enacted, to be in force from the period of their promulgation.

II. A special commission consisting, of one or more members as the Governor General in Council may determine, shall be constituted for the purposes described in the preamble to this regulation, to be denominated the *mofussil* special commission acting under the provisions of Regulation I. 1821.

III. *First.* The said commission shall receive, investigate, and determine, all claims to recover possession of land, lying within such limits as the Governor General in Council may from time to time appoint, which may have been lost through public sales made in liquidation of arrears of revenue, or through private transfers, such sales and transfers having been effected by the undue influence of a public officer from the period of the cession or conquest (according as the lands may be situate within the ceded or within the conquered provinces) and the expiration of the Fussi'y year 1217, corresponding with the 13th September, 1810.

*Second.* In cases of estates, disposed of by a public sale for arrears of revenue, if it shall appear to the commission, after due inquiry made in the manner hereinafter specified, that no

A special commission to be constituted for the purposes described in the preamble to this regulation.

Specification of the claims cognizable by the commission.

In what cases sales of estates by public auction may be annulled.

part of the balance for which the sale may have been advertised or the interest payable thereon was due at the time of the *mohaul* being sold, i. e. the lot being knocked down, or that the amount so due was inconsiderable, or that the amount due was not regularly demanded, or that the arrear did not originate in any fault or neglect of the defaulter, or that the defaulter had not sufficient opportunity of payment given to him before the sale, or that sufficient authority for the sale was not received from Government, or the Board, as the case may be, or that regular notice of the intended sale was not given to the proprietors and to the community, or that the sale was not made according to the regulations at the time and place advertised, and with due publicity and full freedom, or that the purchaser was an officer on the collector's establishment, or in any way employed in the collection of the public revenue within the district, or in the private service of the collector, or the surety of such officer, or a relation, dependant, or connection of such officer or surety, or that the estate was purchased in a fictitious name, or that the price paid was greatly inadequate, or generally that the sale was oppressive and produced by undue influence, or that an undue advantage was in any respect taken of the ignorance of the persons whose estate may have been sold, in all and each of these cases it shall and may be lawful for the aforesaid commission to pass judgment, annulling the sale, and directing the restoration of the original proprietors, or such of them as may have lost possession under the operation of the sale, or of their representatives.

In what cases private transfers of estates may be annulled.

*Third.* It shall likewise be competent to the commission to annul private transfers, whether effected by sale, gift, renunciation, or whatever mode of conveyance, in cases in which they shall see reasonable ground for believing that the purchase or acquisition was effected by violence, extortion, or oppression, or by undue influence of any officer of Government in whatever department in the district within which the land transferred may be situated, or of the surety of such officer, or of any relation, connection, or dependant of such officer or surety, or that any fraud was practised by the purchaser, or undue advantage taken by him of the ignorance or fears of the seller.

In what cases of limited or conditional assignments of lands, the assigner may be restored to possession.

*Fourth.* It will further be competent to the commission in cases of mortgage, trust, or other limited or conditional assignment, to restore the assigner to his lands on any of the grounds specified above, as reasons for annulling private transfers, or on proof that the period of the assignment has expired, or that it is otherwise justly redeemable, or that the original consideration for which it was made is greatly inadequate, compared with the advantage derived by the assignee.

In what cases the special commission may investigate and determine the rights and interests of which individuals may have been deprived in any *mohaul* by the sale, transfer, or assignment of the interests of the *sudder malguzar* of such *mohaul*'s.

*Fifth.* The commission aforesaid shall further be competent to receive, investigate, and determine all claims for the recovery of lands belonging to a *mohaul*, the interests of the *sudder malguzar* of which may have been disposed of by public sale, or by private transfer or assignment within the period specified in the first clause of this section, or for the recovery of any interest in such lands, or the rent or produce thereof; and if it shall appear that the claimant was in possession of the property claimed by him at the time of the said sale or transfer, and that the said sale or transfer was invalid, or that though valid it did not legally divest the claimant of the rights and interests possessed by him at the period aforesaid, and that he has not subsequently been divested of those rights and interests in a legal manner, that is to say, by some judicial award, or some voluntary act of the party involving the transfer, renunciation, or relinquishment of his rights and interests, or that it would involve excessive hardship to the party, or be inconsistent with equity and justice to maintain the award or act by which he may have been divested of the rights and interests possessed by him as above; then and in that case it shall and may be lawful for the commission to adjudge the claimant to be restored to the lands or other property claimed by him, or to any portion thereof to which he may appear to be entitled, and to define and declare the conditions on which he is to hold such lands, or property.

Special commission further empowered to investigate claims for the recovery of land or rights connected with land, the possession of which may have been lost without just cause, in consequence of the acts or proceedings of revenue officers.

*Sixth.* It shall likewise be competent to the commission to receive, investigate, and determine all claims for the recovery of lands, or rights connected with land, the possession of which may have been lost without just cause, through or in immediate consequence of any act done or record prepared, filed, or authenticated by a revenue officer within the period above specified, and to restore the claimants to the possession of any lands or rights connected with lands which they may have lost in the manner aforesaid. It shall also be competent to the commission to receive, investigate, and determine all claims to be admitted to engage in chief with Government, which may be preferred by persons aggrieved by any

any act done, or proceeding held by a revenue officer within the aforesaid period, relative to the recognition of proprietary rights, and the admission of parties to engagements with Government; and if it shall appear that the decision of the revenue authorities in regard to the recognition of a proprietary title to any *mohaul* or portion of a *mohaul*, or the selection of the party admitted to engage was erroneous or improper, it shall be competent to the commission to reverse or modify the orders passed by the revenue authorities, and to restore to the management of the *mohaul* any person or persons, who may appear best entitled to engage directly with Government.

*Seventh.* On adjudging the restoration of any person to the possession or management of the lands claimed by him, the commission will invariably declare, as distinctly as possible, the nature and extent of the interests vested in such claimant, with a view to the restoration and future security of subordinate tenures; and in all cases in which the commission may investigate and determine claims to land or rights connected with land, under the rules contained in the preceding sections, it shall and may be lawful for them to cause the names of all persons found in the *bonâ fide* possession of the land in dispute, or of land included in the same *mohaul* with the land in dispute, or enjoying the rents or produce thereof under a title of hereditary property, to be entered on the public records, and to define and declare the extent of the interest and the conditions of the tenures possessed by such proprietor, as far as the same may be duly ascertained, and similarly to declare the nature and extent of the tenures and interests of all persons occupying the land in dispute, or lands belonging to the same *mohaul*.

*Eighth.* The operation of the foregoing clauses shall not be confined to cases in which lands or rights connected with land sold, transferred, alienated, or usurped, as above, may be held by the person originally benefiting by the sale, transfer, alienation, or usurpation, but shall equally extend to those in which the said lands or rights may be held under a title derived from such person: Provided of course that in cases in which it may appear that the person so holding under a derivative title was in no degree concerned in, or cognizant of the original wrong, the claims of such person to compensation for any loss he may sustain under the operation of the present regulation, shall be held entitled to a very liberal consideration

IV. *First.* In all cases whatsoever of the description specified in the preceding section in which it may appear to it to be clearly equitable to afford the claimant relief, though not entitled to a remedy under the existing law, or in which the points at issue may be doubtful, and the means of arriving at a satisfactory conclusion may not exist, it shall be competent to the commission to interpose its authority, to induce the parties to compromise their contested claims, or such interposition failing, to make such award relative to the rights and interests of the parties, as equity and good conscience shall appear to them, upon full consideration of all circumstances, to warrant and require.

*Second.* In cases in which the commission may deprive any person of rights legally vested in him, under the existing code, or may make award upon doubtful claims, or in which the title of any person though invalid may have been acquired by him *bonâ fide* under an express or implied assurance of its validity on the part of the Board, the collector or judge of the district, it shall be competent to the commission to adjudge compensation in money from the treasury of Government: provided however, that in cases in which the compensation assigned to any individual shall exceed the sum of rupees one thousand, the sanction of Government shall be necessary to authorize the disbursement.

V. *First.* The commission shall be competent to take cognizance of cases of the nature above described, relating to lands within the districts or portions of districts to which its jurisdiction may extend, although the same may have been finally decided in the court of judicature, and likewise to recal all such cases relating to such lands as may now be pending, or may hereafter be instituted in the said courts either on the application of the parties or of its own motion, and the said courts shall, on application of the commission, transmit to it all the proceedings and papers relating to suits so removed.

*Second.* The jurisdiction of the commission shall extend to such districts or portions of districts, and for such periods as the Governor General in Council may from time to time direct: notice of the orders of Government vesting the commission with local jurisdiction, or withdrawing jurisdiction given, to be published by proclamation within the several *pergunahs*

In cases adjudged by the special commission, the interests vested in the claimants to be distinctly defined

As well as the interests of individuals in possession of the land in dispute, or of land included in the same *mohaul*.

The operation of the foregoing clauses extended to persons holding under a title derived from the person originally benefiting by the sale or transfer.

Proviso.

In what cases the commission are to endeavour to effect a compromise between parties.

Compensation to be awarded by the commission in what cases.

Proviso.

The jurisdiction of the commission extended to cases already decided by the courts of justice, or depending before them.

Local jurisdiction of the commission to be from time to time fixed by the Governor General in Council, and notice of the same how to be given.



*nahs* to which they may relate, and to be communicated through the Sudder Dewanny Adawlut to the provincial and *zillah* courts concerned.

Courts of justice how to proceed in suits before them which may be cognizable by the commission.

*Third.* Whenever any of the said courts shall be apprized in the manner aforesaid of the appointment of the commission to exercise the aforesaid powers within any *zillah* or other local division, they shall forthwith stay all proceedings in cases of the description above specified, and shall not proceed to the investigation or decision of any such case, until they shall either receive intimation from the commission that it is not its intention to take cognizance of it, or until they shall be apprized by Government that the local jurisdiction of the commission has ceased.

Commission and fees in such suits how to be disposed of.

*Fourth.* When any suit may be removed by the commission from the court in which it may be pending, the price of the stamp paper used for the plaint on petition of appeal in lieu of the fee payable by the plaintiff or appellant, on the institution of the suit or appeal, shall be returned to the party by whom the amount may have been disbursed; and the commission on deciding the suits shall determine the amount of remuneration to be assigned to the *vakeels* who may have been employed by the parties in conducting the suit; and any sums which may have been received by the treasurer of the court on account of the *vakeel's* fees, shall be kept in deposit until the determination of the commission shall be made known to the court, which shall and may pay the amount awarded by the commission to the *vakeels*, out of sums deposited by the parties employing them.

Form and nature of the proceedings before the commission how to be regulated.

VI. *First.* The commission shall determine, subject to the orders of Government, or of such other authority as the Governor General in Council may direct, its own form of proceeding, the nature of the pleadings, the mode in which they are to be conducted, the paper (stamp or unstamp) to be used, the fees to be levied, and generally the rules of practice to be followed.

Processes of the commission how to be issued and enforced.

*Second.* All processes issued by the commission shall be enforced in the same manner and under the same penalties for disobedience or resistance as processes of *zillah* courts; and all powers possessed by the *zillah* courts in regard to contempts, the summoning and examination of witnesses, and the administration of oaths, shall be vested in the commission, from whose order in regard to such matters, no appeal shall lie, except to the *sudder* commission hereinafter mentioned.

Decisions of the commission how to be executed.

*Third.* The commission shall be competent either to execute its own decisions with the same powers and authority as are vested in the *zillah* courts, or to require the *zillah* courts to give effect to such decisions in like manner as they are required to execute the decrees passed by the provincial courts, or the Sudder Dewanny Adawlut.

Native officers attached to the commission subject to what rules.

*Fourth.* The several rules and provisions contained in the existing regulations relative to the native officers belonging to the *zillah* courts, shall be applicable to the native officers attached to the said commission, except in cases which the said commission may, with the sanction of the *sudder* commission hereinafter mentioned, or of the Governor General in Council, otherwise specially direct.

Persons guilty of perjury or subornation of perjury to be punishable under the regulations.

*Fifth.* Any person giving a false deposition, whether upon oath or *huluf namah*, relative to any suit or matter depending before the commission and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the regulations; and any person causing or procuring another person to commit the offence of perjury as above described, shall be held to be guilty of subornation of perjury, and punishable under the provisions of the aforesaid regulations.

And may be committed by order of the commission, for trial before the courts of circuit.

*Sixth.* The commission shall be competent to commit persons guilty of the said offences for trial before the court of circuit, and any magistrate receiving a *ro bukaree* from the commission, containing an order for the commitment of such offenders, shall proceed to give it effect, in like manner as if the commitment were made by himself.

Courts and collectors to give their aid to the commission.

VII. It shall be the duty of the courts and of the collectors to afford the commission every aid and information that it may require, to serve all processes issued by the commission, which that authority may desire to have served by them, in like manner as if they were issued by themselves, to prepare and transmit to the commission such lists of the cases decided by or pending before them as the commission may see occasion to call for, and to furnish all papers and documents which the commission may wish to examine.

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VIII. If any doubt shall arise in regard to the course of proceeding to be followed by the established courts, relatively to any suit or other matter of the nature of those cognizable by the aforesaid commission, or on any point connected therewith, it shall and may be lawful for the Sudder Dewanny Adawlut to determine the question, subject to the final orders of the Governor General in Council, to whom the Sudder Dewanny Adawlut shall report the circumstances of any cases of that nature that may arise.

If cases of doubt arise between the courts and the commission, the Sudder Dewanny Adawlut to decide, subject to the final orders of Government.

IX. The commission shall and may exercise within the sphere of their jurisdiction, the same powers and authority over *canoongoes*, *putwarees*, and other *mofussil* officers of account as the collectors and courts are now authorized to exercise.

Powers of the commission over *canoongoes* and *mofussil* officers of account.

X. *First.* A commission, to be denominated the *sudder* or chief special commission acting under the provisions of Regulation I. 1821, shall be constituted for the purpose of superintending the proceedings of the aforesaid *mofussil* commission, and for reviewing the decisions passed by it.

*Sudder* commission to be constituted.

*Second.* The *sudder* commission shall consist of two or more such officers as the Governor General in Council may from time to time appoint, and shall besides the powers exclusively belonging to them, possess and exercise all the powers and authority vested in the *mofussil* commission. The *mofussil* commission shall be guided by the instructions and orders of the *sudder* commission in like manner as the courts of appeal and *zillah* courts are guided by the directions of the Sudder Dewanny Adawlut, and the said *sudder* commission shall further have the power of issuing special instructions to the *mofussil* commission in regard to the investigation of cases pending before the latter, whenever from the representation of the parties or otherwise they may consider such a measure to be expedient or proper.

Powers and functions of *sudder* commission.

*Third.* All decisions passed by the *mofussil* commission shall be reported to the *Sudder* commission, in such manner and form as the latter may direct, or as the Governor General in Council may prescribe; and it shall be competent to the *sudder* commission, in considering the reports so furnished, to call for the proceedings held by the *mofussil* commission in any case, and to revise, modify, or annul any order or decision which the *mofussil* commission may have passed or made.

All decisions of *mofussil* commission to be reported to the *sudder* commission, and the latter empowered to revise, modify, or annul such decisions.

*Fourth.* In cases in which either of the parties may be dissatisfied with the decision passed by the *mofussil* commission, and may desire to appeal to the *sudder* commission, the whole of the proceedings held by the former shall be certified to the latter, who will call for such further information, and direct such further proceedings to be held, as they may judge necessary or proper. In such cases it shall rest with the *mofussil* commission to determine, subject to any orders which they may receive from the *sudder* commission, whether they shall carry their decision into immediate effect, or await the result of the reference to the superior tribunal.

Parties dissatisfied with decisions of *mofussil* commission may appeal to the *sudder* commission.

*Fifth.* In cases in which the members of the *mofussil* commission, when consisting of two or more members may not agree in opinion as to the decision or award to be passed or made in any case, they shall certify to the *sudder* commission the whole of the proceedings held by them, each member at the same time separately recording his judgment and the grounds of it; and similarly when any difference of opinion shall occur in regard to the determination of any matter connected with or belonging to any case, pending before or decided by the said commission, a reference shall be made to the *sudder* commission, and the *mofussil* commission shall be guided by the directions which it may receive from the said *sudder* commission.

In cases of a difference of opinion between the members of the *mofussil* commission, a reference to be made to the *sudder* commission.

*Sixth.* It shall likewise be the duty of the *mofussil* commission to certify to the *sudder* commission any cases of peculiar importance and difficulty, in which it may be desirous of obtaining a decision by the superior tribunal. But in all such cases the *mofussil* commission, shall in the first instance record their own opinion on the merits of the case, and distinctly declare the judgment which they may think ought to be passed.

Cases of peculiar importance to be certified to the *sudder* commission.

*Seventh.* In cases certified to the *sudder* commission, under the provisions contained in the two preceding clauses, the *sudder* commission shall proceed in the same manner as in cases brought regularly in appeal before them, but no decision or award shall be passed or made

Who will in such cases proceed in the same manner as in cases regularly made

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brought before them in appeal. made in such cases by the *mofussil* commission, unless under instructions in that behalf from the *sudder* commission.

Provision for cases in which the *sudder* commission may not agree in opinion, and the number of voices on each side may be equal. *Eighth.* If in any case the members of the *sudder* commission shall not agree in opinion as to the decision, award, or order to be passed or made, and the voices on each side shall be equal, the commission shall suspend its decision and report the circumstance to Government, and it shall in such cases be competent to the Governor General in Council to appoint one or more temporary members of the commission for the determination of the question in dispute. Where a majority of the commission shall concur in one opinion, the decree, award, or order shall be made according to the resolution of such majority, and shall have the same force and effect as if made by all the members conjointly.

In what cases the decision of the *mofussil* commission to be final. *XI. First.* The decisions of the *mofussil* commission, unless revised and altered by the *sudder* commission under the rule contained in the third clause of the preceding section, or appealed to the *sudder* commission within the period of six months from the time of its being passed, or such further period as may be fixed by that authority, subject to the orders of the Governor General in Council, shall be final.

In what cases an appeal to be admitted from the decisions of the *sudder* commission to His Majesty in Council. *Second.* In cases which if decided by the Sudder Dewanny Adawlut would be appealable to his Majesty the King in Council, a similar appeal will lie from the decisions or awards of the *sudder* commission, and the same rules and regulations as are or may be applicable to all appeals from the aforesaid court, shall be applicable to all appeals from the decisions or awards of the said commission: Provided however that all decisions passed, or awards made by the *sudder* commission shall be immediately executed and enforced, notwithstanding the institution of such an appeal. All decisions and awards passed by the *sudder* commission shall be final, unless regularly appealed to his Majesty in Council.

Questions connected with the jurisdiction of the commissions how to be determined. *Third.* The said commissions, and each of them, shall in all cases received or investigated by them respectively, be competent to determine all pleas or questions touching their jurisdiction, in the same manner and with the same powers, as they are or may be authorized to determine on the merits of cases of which the cognizance is expressly vested in them, any thing in the existing regulations to the contrary notwithstanding; and no exception shall be taken to any decision or award passed or made by the said commissions, or either of them, on the ground that the case in or concerning which such decision or award may have been passed or made, was not regularly within the cognizance of the commission by which it was passed, or made, or on any plea or pretext whatsoever saving and except by *sudder* commission in cases appealed or certified to it from the *mofussil* commission, or by his Majesty the King in Council in cases appealable to that authority; nor shall any court of judicature interrupt or stay any proceeding of the said commissions, or either of them, in any cases received, investigated, or determined by them respectively.

Courts of justice not to interrupt or stay the proceedings of the commissions.

The commissions to be guided generally by the principles of the regulations. *XII. First.* The *sudder* and *mofussil* commissions shall, where not otherwise specially directed, be guided generally by the principles and spirit of the existing regulations, or where those may not be applicable, by equity and good conscience.

Commissions may propose new regulations, or may submit rules for amending any part of the existing code in matters connected with the duties entrusted to them. *Second.* Provided also that it shall and may be lawful for the said commissions and each of them, to propose regulations regarding any matters coming within their cognizance. in the manner prescribed for the courts of judicature; and if any provision in the existing regulations applicable to any case depending before the *mofussil* or *sudder* commission, shall appear to them or either of them to be inequitable or improper, it shall be competent to the commission before which the case may be depending, to stay its proceedings, for the purpose of submitting a draft of such rules as may appear necessary for the amendment of the existing code: and to await the result of the reference, and finally to proceed in and determine the case according to the law as ultimately declared or enacted: making of course due compensation to any one whose rights under the existing law may be affected by their decision.

Oath to be taken by the members of the commissions. *Third.* Before entering on the performance of their functions, the members of the said commissions shall bind themselves to the faithful discharge of the duties entrusted to them by a solemn oath in such form, and to be taken before such person or persons, as the Governor General in Council may direct.

## A. D. 1821. REGULATION II.



A REGULATION for increasing the Powers of Moonsiffs; for extending in special Cases the Powers of Sudder Ameens in the Trial and Decision of Civil Suits; and for authorizing the Zillah and City Registers and Sudder Ameens to discharge certain additional Duties under the Direction of the Zillah and City Judges; for providing for an Increase in the Number of Moonsiffs when necessary; and for authorizing Sudder Ameens to hold their Cutcherrees at any Place where there may be a Register holding his Court at a Distance from the fixed Station of the Judge and Magistrate; also for amending the Rules at present in Force for the Institution of Suits connected with the local Jurisdiction of such Registers; for rescinding such Parts of the existing Regulations as authorize the Registers of Civil Courts to receive a Proportion of the Institution Fees on Suits which may be referred to them for Decision; for altering in certain Cases the Rule at present in Force for the Execution of Decrees of the Provincial Courts in original Suits, and of the Decrees of the Court of Sudder Dewanny Adawlut on Appeals from such Decrees; and for abolishing the Office of Register of the Provincial Courts of Appeal and Circuit. — PASSED by the Governor General in Council, on the 19th January 1821; corresponding with the 8th Maug 1227 Bengal era; the 1st Maug 1228 Fussily; the 9th Maug 1228 Willaity; the 1st Maug 1877 Sumbut; and the 14th Rubbi-us-Sanee 1236 Higeree.

**W**HEREAS from the contracted powers exercised by the subordinate judicial officers, European and native, under the existing regulations, a much larger proportion of business devolves on the *zillah* and city judges than can properly be discharged by them; and whereas the relieving them from part of that business by increasing the powers of the registers, *sudder ameens*, and *moonsiffs*, will tend to expedite the general administration of justice; and whereas it has become necessary to provide for an increase in the number of *moonsiffs*, in consequence of the number prescribed by the regulations of one to each *thana* jurisdiction, having been found in some places insufficient; and whereas great inconvenience is experienced from the want of *sudder ameens* at those places where registers are permanently fixed at a distance from the *sudder* station, as well as from the said registers not being vested with powers to admit suits arising within the limits of their local jurisdiction; and whereas it is expedient, with a view to afford still further relief to the judges of the *zillah* and city courts held at the same place with the provincial courts, that the provincial courts should execute their own decrees in original suits, and the decrees of the Sudder Dewanny Adawlut in appeals from such original suits within the local limits of the jurisdiction of the aforesaid judges; and whereas it is also expedient that the judges of the *zillah* and city courts should be empowered to refer summary suits to any amount for the recovery of arrears of rent, and for possession of land, crops, and other property in cases of forcible dispossession, to such of their registers as may be vested with any of the special powers specified in Regulation XXIV. 1814; and whereas it is also expedient to substitute a fixed allowance in lieu of the fees hitherto granted to the registers of *zillah* and city courts on the decision of civil suits, and to abolish the office of register to the provincial courts of appeal and circuit; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Preamble.

The provincial courts empowered to increase the number of *moonsiffs* on the recommendation of a city or *zillah* judge.

*Moonsiffs* empowered to try and decide on suits not exceeding one hundred and fifty rupees.  
Proviso.

Prohibitions contained in clauses second and third, Section 13, Regulation XXIII. 1814, declared applicable to such suits.

The payment of stamp duties and compensations to *moonsiffs* how to be regulated.

Rules in force regarding the decision of suits by *moonsiffs* declared applicable to suits instituted under this regulation.

City and *zillah* judges to encourage the institution of regular, instead of summary suits, in certain cases.

Sudder Dewanny Adawlut empowered to invest *sudder ameen*s with authority to try and decide on original suits not exceeding five hundred rupees.

City and *zillah* judges authorized to refer depending civil suits to such *ameens*, provided the computed amount of each claim does not exceed five hundred rupees.

Exceptions.

*Sudder ameen*s to be guided by the provisions contained in Regulation XXIII 1814, in deciding on claims exceeding one hundred and fifty rupees.

But to receive only a moiety of the institution fee, or the amount of the stamp duty in cases where the claim exceeds one hundred and fifty rupees.

Certain clauses of Sec.

II. If the civil business within the limits of a *thana* cannot conveniently be discharged by one *moonsiff*, as prescribed by Section 6, Regulation XXIII. 1814, the provincial courts are hereby authorized, on the recommendation of the city or *zillah* judge, to augment, from time to time, the number of those officers as circumstances may require.

III. *First*. Persons invested with the powers of *moonsiffs* are authorized to receive, try, and determine all suits preferred to them against any native inhabitant of their respective jurisdictions for money or other personal property, not exceeding in amount or value the sum of one hundred and fifty sicca rupees; provided the cause of action shall have arisen within the period of three years previously to the institution of the suit, and that the claim include the whole amount of the demand arising from such cause of action, and that the claim be really as prescribed in clause first, Section 13, Regulation XXIII. 1814, for money due, or for personal property, or for the value of such property; and be not for damages on account of alleged personal injuries, or for personal damages of whatever nature.

*Second*. The prohibitions contained in the second and third clauses of Section 13, Regulation XXIII. 1814, are hereby declared applicable to the suits above mentioned.

*Third*. In suits instituted before the *moonsiff*, under the foregoing clause, stamp duties shall be levied in conformity with the provisions contained in Section 70, Regulation XXIII. 1814, and the compensation to which the *moonsiffs* shall be entitled for their trouble in the trial of such suits shall be adjusted in conformity to the rules contained in Section 49. of the same regulation.

*Fourth*. The provisions contained in the existing regulations, relative to the trial and decision of suits already cognizable by the *moonsiffs*, are hereby declared to be equally applicable to suits which may be instituted before those officers, under this regulation.

IV. By Section 20, Regulation V. 1812, it is provided, that suits instituted under that regulation for the recovery of arrears of rent may be decided by the *zillah* and city judges on summary inquiry; it was not however intended by that provision to preclude individuals from instituting a regular suit in the first instance for the more formal investigation of the merits of the case, either before the *moonsiffs*, or in the *zillah* and city or provincial courts, according to the amount at issue; and the *zillah* and city judges are hereby enjoined to encourage, as much as possible, that mode of procedure, as well in the suits above adverted to, as in all other claims for arrears of rent which may be cognizable by summary process under the existing rules, whenever it may in their opinion lead to a more prompt and satisfactory determination of the points at issue.

V. *First*. It shall be competent to the Sudder Dewanny Adawlut to invest any person exercising the functions of a *sudder ameen*, with the power to try and determine original civil suits, in which the value or amount of the claim may not exceed five hundred rupees.

*Second*. In addition to the powers vested in the *sudder ameen*s under the provisions of Section 68, Regulation XXIII. 1814, and Clause second, Section 7, Regulation XXIV. 1814, the *zillah* and city judges are authorized to refer to a *sudder ameen*, duly empowered under the preceding clause, any depending civil suits, with the exceptions specified in Section 68, Regulation XXIII. 1814, in which the value or amount of the claim, calculated according to the provisions of Section 14, Regulation I. 1814, Section 23, Regulation XXVI. 1814, and Section 5, Regulation XIX. 1817, may not exceed five hundred rupees.

*Third*. Suits referred to *sudder ameen*s, in which the value or amount of the claim may exceed one hundred and fifty sicca rupees, shall be received, tried, and determined in conformity with the provisions of Regulation XXIII. 1814. In suits however which may be referred to *sudder ameen*s under the preceding clause, in which the value or amount of the claim may be above one hundred and fifty rupees, but may not exceed five hundred rupees, the *sudder ameen*s shall be entitled to receive one moiety only of the institution fee, or of the amount of the stamp duty substituted for such institution fee by Regulation I. 1814.

*Fourth*. The provisions of clauses third, fourth, fifth, and sixth, Section 8, Regulation XXIV. 1814, are hereby declared applicable to suits referred for trial to the *sudder ameen*s, in which the value or amount of the claim may be above one hundred and fifty rupees, but may not exceed five hundred rupees.

## A. D. 1821. REGULATION II.

VI. By Section 61, Regulation XXIII. 1814, the number of *sudder ameens* to be employed in each *zillah* or city, is declared to be unlimited, and the provincial courts may at all times exercise their discretion in diminishing or augmenting the number of those officers. In modification however of the rule contained in Section 76. of the said regulation, by which *sudder ameens* are required to hold their *cutcherries* at the station where the *zillah* or city court is held, it is hereby declared, that one or more *sudder ameens* may be employed, and may hold their *cutcherries* at any place where a register may be stationed at a distance from the *zillah* or city court to which he is attached; such *sudder ameens* shall exercise the same powers and functions, and shall be entitled to the same compensation as *sudder ameens* at the station of the judge; provided however that original suits and appeals referrible to such *sudder ameens* shall be referred in the mode prescribed by Section 11. of this regulation.

VII. *First*. Petitions for the execution of decrees in civil suits shall be presented as heretofore, in the manner prescribed by the several clauses of Section 15, Regulation XXXVI. 1814, but such parts of the regulations as require that decrees passed in civil suits by the *sudder ameens*, or by *moonsiffs*, shall be executed or enforced under the special orders of the *zillah* and city judges, are declared subject to the following modifications.

*Second*. Whenever the miscellaneous business depending in a *zillah* or city court would occupy a larger portion of time than the judge can conveniently devote to it, he is authorized to refer to the registers or *sudder ameens* all applications for the execution of decrees passed by *sudder ameens* or *moonsiffs*. In these cases, an appeal from the orders of the register or *sudder ameen* will lie in the first instance to the judges, and specially to the provincial court.

*Third*. All orders issued by registers or *sudder ameens*, in cases so referred to them, shall be executed by the officers of the *zillah* and city courts, under the rules prescribed in the general regulations for the execution of decrees.

VIII. Such parts of Section 6, Regulation V. 1793, extended to Benares by Section 6, Regulation IX. 1795, and to the ceded and conquered provinces by Section 6, Regulation IV. 1803, as prescribe that the provincial court of appeal shall order the decrees which they may pass to be executed by the judge of the proper *zillah* and city court, are hereby modified, and it is declared that the decrees passed by the judges of the provincial courts in all original regular suits relating to the jurisdiction of the *zillah* or city court within the local limits of which the provincial courts are situated, and the decisions of the court of Sudder Dewanny Adawlut, in appeal from all such decrees, shall be executed by the provincial courts themselves, and all orders issued by the judges of those courts in such cases, shall be executed by the officers attached to the said provincial courts respectively, under the rules prescribed in the general regulations for the execution of decrees.

IX. In addition to such provisions of the existing regulations, as authorize the judges of the *zillah* and city courts to refer to their registers summary suits for the recovery of arrears of rent, or for possession of land, crops, or other property, in cases of forcible dispossession, provided that the cause of action would be referrible to their registers in a regular suit; it is hereby declared that the *zillah* and city judges may refer to such of their registers as may be vested with any of the special powers under Regulation XXIV. 1814, summary suits of any amount depending before them, concerning arrears of rent, or regarding forcible dispossession from lands or crops, or disturbance in the possession thereof: provided always that the *zillah* and city judges may at any time recal such suits, or any other miscellaneous cases referred to a register, on the representations of the parties or otherwise, in such manner as they may deem just and proper.

X. *First*. Whereas the speedy and satisfactory adjustment of summary suits of the description mentioned in the preceding sections, will be promoted by authorizing the trial and decision of such suits at any place within the limits of the jurisdiction in which the cause of action may have arisen, such parts of the regulations in force as prescribe that the *zillah* and city courts shall be held in the city or place at which they are respectively established, and that no rule, order, or proceeding is to be made, but on court days, and in open court, are hereby declared subject to the following modifications.

tion 8, Regulation XXIV. 1814, declared applicable to such cases.

Section 57, Regulation XXIII 1814, modified, and *sudder ameens* authorized to hold their *cutcherries* at any place where a register may be stationed.

Proviso.

Petitions for the execution of civil decrees to be presented as heretofore.

Modification of rules in force which require that decrees passed by *sudder ameens* and *moonsiffs* be executed under the orders of a city or *zillah* judge.

In cases when applications are referred by the judge to the register for the execution of *sudder ameens* and *moonsiffs'* decrees, appeals from the registers' orders allowed.

By what officers the registers and *sudder ameens'* orders are to be executed on such occasions.

Modification of rules in force which require the provincial courts of appeal to direct their decrees being executed by the city and *zillah* judges.

In what cases the provincial courts of appeal are to execute their own decrees, as well as the decisions in appeal of the Sudder Dewanny Adawlut.

Judges of city and *zillah* courts may refer summary suits of any amount to their registers if they are vested with special powers.

Proviso.

Modification of rules in force relative to the place at which the *zillah* and city courts are to be held.

*Second*.

## A. D. 1821. REGULATION II.

Judges and registers of city and *zillah* courts empowered to hold their proceedings at any place within the jurisdiction of the court to which they may be attached.

Proviso.

Pleaders of the courts exempted from attending the trial of summary suits when conducted at a distance from the fixed station of the judge or register.

Those rules declared equally applicable to summary suits referred to the collectors.

Modification of rules in force, which direct that suits referrible to registers shall in the first instance be instituted in the courts of the judges.

Registers at other than the fixed stations of the courts may in the first instance receive original suits or appeals.

How registers are to proceed on the receipt of such suits or appeals.

Registers, when at others than the fixed station of the court, authorized to receive applications for the execution of *sudder ameen*s and *mooniffs*' decrees.

And empowered to execute them, or to refer them for such purpose to the *sudder ameen*s.

Appeals from *sudder ameen*s' orders to be made to the registers.

Certain clauses of regulations which authorize registers to receive fees on the amount of stamp duty on the decision of suits, rescinded.

Registers declared not entitled to fees subsequent to the 30th April, 1821.

The office of register of the provincial courts abolished, and their duties to be performed by the judges and the officers attached to their respective establishments.

*Second.* The judges and registers of the *zillah* and city courts are empowered to hold their proceedings in summary suits regarding rent or dispossession from lands, or crops, or disturbance in the possession thereof, at any place within the jurisdiction of the courts to which they may be respectively attached; provided that the cause of action shall have arisen within the limits of such jurisdiction, and that the *zillah* or city judge or register shall be of opinion, that the investigation of the case can be more conveniently conducted at such place than at the *sudder* station.

*Third.* The established pleaders of the *zillah* and city courts shall not be required to attend the trial of summary suits at a distance from the fixed station of the judge or register. Such suits shall be tried in the presence of the parties, or any persons whom they may duly appoint to be present at the trial on their behalf.

*Fourth.* The principle of the foregoing rules is hereby declared to be equally applicable to summary suits referred for investigation to the collectors.

XI. *First.* Such parts of the regulations in force as require that suits referrible to a register shall be instituted in the first instance in the courts of the *zillah* and city judges, are hereby declared subject to the following modifications.

*Second.* It shall be competent to a register stationed at any other place than the fixed station of the *zillah* or city court, to receive in the first instance any original suits or appeals, which may be eventually referrible to him under the regulations in force, in which the cause of action may have arisen, or the parties may reside, within the local jurisdiction entrusted to him as joint magistrate of the district of which he may be the register, or officiating in that capacity.

*Third.* When an original suit or appeal shall be preferred to a register under the provisions of the preceding clause, he shall, after receiving the same, enter it in the register usually kept for that purpose, and shall forward by dawk or otherwise, a copy of the petition of complaint or appeal, together with copies of any other papers connected with it that may be necessary, to the *zillah* or city court, for the orders of the judge, who, after causing the same to be registered, will either authorize the suit to be tried and determined by the register, or the *sudder ameen* stationed with the register, according to the nature or amount of the suit; or will require the case to be transmitted for trial, either by himself, or any other competent authority. In the latter case, the plaintiff or appellant shall be required to attend in person, or by *vakil*, to prosecute the suit in the court in which the case may have been ordered to be tried, at the *sudder* station.

XII. All applications for the execution of decrees passed by the *sudder ameen*s and *mooniffs*, within the local jurisdictions of the register fixed at any other than the *sudder* station of the *zillah* or city court, are hereby authorized to be received by such registers, who shall be competent to execute them themselves, or to refer them for execution to the *sudder ameen*s within their respective jurisdictions, in the mode prescribed by clause third, Section 7. of this regulation. Appeals from the orders of the *sudder ameen*s shall in like manner be made in the first instance to the said registers.

XIII. The several clauses of Sections 8. and 9, Regulation XXIV. 1814, and generally any other provisions of the regulations, which authorize the registers of the *zillah* and city courts to receive a proportion of the fees, or the amount of stamp duty substituted for such fees, by Regulation 1. 1814, on the decision of suits referred to them for trial, are hereby rescinded. The registers of the *zillah* and city courts shall not be entitled to any fees whatever on account of any civil suits decided by them, subsequently to the 30th of April next ensuing, but are to receive from the 1st of May next, in lieu of such fees, a fixed allowance, the amount of which will be determined by Government.

XIV. The office of register of the provincial courts of appeal and circuit shall be abolished from the 1st of May next ensuing, and the duties hitherto entrusted to those officers shall be performed by the judges of the provincial courts, and by the officers on their establishment, in such mode and under such rules as may be enjoined by the court of Sudder Dewanny Adawlut and Nizamut Adawlut.



## A. D. 1821. REGULATION III.



A REGULATION for extending in special Cases the Powers of Assistants to the Magistrates ; for empowering the Hindoo and Mahomedan Law Officers of the Zillah and City Courts and Sudder Ameeris to try and determine petty Thefts, and other Criminal Cases of a trivial Nature, when referred to them by a Magistrate ; for limiting the Period of Appeal in Foujdaree Cases ; for rescinding Parts of Section 12. and 17, Regulation XXII. 1816 ; for modifying some of the Rules in Force relative to the Rate and Collection of the Assessment levied for the Maintenance of Chokeydars of Police ; and for vesting the Magistrates with certain Powers in regard to Persons travelling through, or assembling within their Jurisdictions, under suspicious Circumstances.—PASSED by the Governor General in Council, on the 19th January 1821 ; corresponding with the 8th Mang 1227 Bengal era ; the 1st Mang 1228 Fussily ; the 9th Mang 1228 Willaity ; the 1st Mang 1877 Sumbut ; and the 14th Rubbi-us-Sanee 1236 Higeree.

WHEREAS the powers now vested in assistants to the magistrates by Section 20, Regulation IX. 1807, do not enable them to afford that aid to the magistrates which the state of public business in many districts requires, it is advisable to authorize in certain cases an increase of those powers. It is also deemed expedient, with a view to the speedy trial and punishment or acquittal of persons charged with petty offences, and to the due administration of criminal justice in cases of a trivial nature, to empower the Hindoo and Mahomedan law officers of the *zillah* and city courts, and the *sudder ameeris*, to try and determine such cases when referred to them by a magistrate ; and to guard against the inconvenience which has been experienced from the unlimited privilege at present exercised of appealing in *forjaver* cases ; and whereas it has been found expedient to rescind clause second, and such parts of clause first, Section 12, Regulation XXII. 1816, as require that persons considering themselves aggrieved by the assessment authorized to be levied for the maintenance of the *chokeydars* of police, shall present a petition to the magistrate or joint magistrate on stamp paper ; and to authorize the judges holding the sessions of jail delivery to report upon any abuses or irregularities which may appear to them to exist in the management and collection of the assessment levied for the support of *chokeydars* of police ; and whereas there is reason to believe that persons, being the subjects of foreign states, often enter the territories of the British Government in large bodies, under the assumed character of travellers of rank and distinction, for the sole purpose of robbery and plunder, and as it is necessary to vest the *zillah* and city magistrates and joint magistrates with sufficient powers to prevent such practices ; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Preamble.

II. *First*. Whenever the accumulation of judicial business in a *zillah* or city may render it impracticable for a magistrate to discharge it with sufficient despatch, and the court of Nizamut Adawlut may be of opinion, either in consequence of a report from the magis-

Nizamut Adawlut to report on qualifications of assistants to magistrates, in cases of accumulation



of business in *zillah* and city courts.

Governor General in Council empowered to invest such assistants with the special powers described in clause third of this regulation.

Information in such instances to be communicated to the magistrate, court of circuit, and Nizamut Adawlut.

Section 20, Regulation IX. 1807, modified, and additional powers vested in assistants to magistrates.

Assistants to magistrates in cases requiring a more severe punishment than that authorized by the preceding section, not to pass sentence, but submit their proceedings to the magistrate.

Who will decide according to the general regulations.

Rules by which assistants are to be guided in deciding on cases thus referred to them.

Magistrates may recall cases referred to their assistants.

In cases of death, removal, or resignation of assistants vested with special powers, their successors not to exercise those powers unless authorized by Government.

The Governor General in Council declared competent to revoke the special powers entrusted to an assistant.

Magistrates may refer petty complaints to their native law officers.

And also cases heretofore referrible to assistants in the mode prescribed by the existing regulations.

trate of such *zillah* or city, or from any other information before them, that the assistant of such magistrate is duly qualified by his experience, industry, and abilities, to be entrusted with the special powers described in the third clause of this section ; the Nizamut Adawlut shall report accordingly to Government.

*Second.* On the receipt of such report from the Nizamut Adawlut, or upon any other information before Government, it shall be competent to the Governor General in Council to invest such assistants with the special powers described in the following clause, and information shall be communicated in every instance in which such powers may be vested in an assistant, to the Nizamut Adawlut, to the court of circuit, and to the *zillah* or city magistrate.

*Third.* Section 20, Regulation IX. 1807, is hereby modified, and in addition to the powers vested in the assistants to the *zillah* and city magistrates, by the regulations heretofore in force, they may be specially empowered, in all cases referred to them in which an individual may be convicted of any criminal offence punishable under the Mahomedan law and the regulations, for which the penalties authorized by the section above quoted may appear insufficient, and for which a more severe punishment than six months imprisonment with thirty ratans, or a fine of two hundred rupees, may not have been specially prescribed, to pass sentence of imprisonment, not exceeding six months, with corporal punishment not exceeding thirty ratans, in cases in which corporal punishment by stripes is authorized by the regulations, or in other cases with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment, not exceeding six months, so that the entire period of imprisonment, under the sentence of an assistant, shall in no instance exceed one year.

*Fourth.* In any case referred to the assistant of a *zillah* or city magistrate under the regulations in force, in which the offence proved against the prisoner may appear to require a more severe punishment than he is by the foregoing clause authorized to adjudge, he shall not pass any sentence, but shall submit his proceedings to the magistrate, who, after holding any further proceedings he may deem necessary, will, if satisfied of the guilt of the prisoner, either pass sentence on him, under Regulation XII. 1818, and the general regulations in force, or will commit or hold him to bail for trial before the court of circuit, according to the nature and circumstances of the case.

*Fifth.* The rules contained in Sections 21. and 22. of Regulation IX. 1807, are to be considered applicable to all cases referred to the assistants, of the description specified in this section.

*Sixth.* The magistrates are moreover at all times authorized to recall from their assistants any depending cases, which may have been referred to them under the present or former regulations, and which for the more speedy administration of justice, or for any other reason, the magistrates may deem it proper to determine themselves in the first instance.

*Seventh.* Upon the death, removal, or resignation of any assistant, who may have been invested with special powers under the provisions of this regulation, the person succeeding to the office of assistant, shall in no case be entitled to exercise such special powers without the previous sanction of the Governor General in Council ; and it shall at all times be competent to the Governor General in Council, to revoke the special powers, which may have been entrusted to the assistant of a *zillah* or city magistrate under this section, for any cause which, in the opinion of the Governor General in Council, may render the adoption of that measure expedient.

III. *First.* The *zillah* and city magistrates are authorized to refer for trial to the Hindoo and Mahomedan law officers of their respective courts, all complaints or charges brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and all charges of petty thefts, when unattended with any aggravating circumstances.

*Second.* The magistrates of the *zillah* and city courts shall be competent to refer to their law officers any criminal cases, which they are already authorized by former regulations to refer to their assistants ; and in the mode of making the reference, and in the subsequent

## A. D. 1821. REGULATION III.

quent stages of the proceeding, the magistrates and the law officers shall be guided by the provisions hitherto in force relative to such cases.

*Third.* The law officers of the *zillah* and city courts, in the decision of criminal cases so referred to them, are hereby authorized to exercise the same powers as those vested in the assistants to the magistrates, by Section 20, Regulation IX. 1807; and by the other regulations therein referred to; that is, in cases referred to them for trial, they shall not sentence a person convicted of abusive language, or calumny, or inconsiderable assault or affray, to a more severe sentence than fifteen days imprisonment, and a fine of fifty rupees with an eventual commutation, if the fine be not paid, to further confinement for fifteen days more, making the entire term of imprisonment, if the fine be not paid, one month of thirty days. Nor shall they sentence a person convicted of petty theft to a more severe corporal punishment than thirty ratans, and imprisonment for a period of one month. Persons sentenced to imprisonment by the law officers shall not, during their imprisonment, be confined in irons or in fetters, except in cases in which the misconduct of such individual, during his imprisonment, shall appear to the magistrate to render such measure necessary for his safe custody.

*Fourth.* The law officers of the *zillah* and city courts shall forward to the magistrates, on the fifth day of each month, a statement shewing the manner in which the cases referred to them may have been disposed of, in order that the same, after having been carefully inspected by the magistrates, with the view of noticing and eventually correcting any irregularities, may be incorporated in the periodical reports required to be submitted to the superior courts.

IV. The foregoing provisions are hereby declared to be equally applicable to any of the *sudder ameen*s, who may be empowered under Section 5, Regulation II. 1821, to try civil suits exceeding in value or amount the sum of one hundred and fifty rupees, and likewise to all *sudder ameen*s whether vested with such powers or not, who may be appointed to the stations of the joint magistrates, and the latter officers are hereby authorized to employ such *sudder ameen*s in the manner above specified.

V. *First.* No appeal shall be admitted from the order of an assistant or a *sudder ameen* in cases referred to them of a criminal nature by the magistrate, or joint magistrate, unless preferred within the period of one month from the date of such order. Nor shall any appeal from the order of a magistrate or joint magistrate be admitted, unless preferred to the court of circuit at the *sudder* station, within the period of one month from the date of the order, or to a judge of circuit holding the sessions next ensuing after such order shall have been passed, unless it shall be proved that the petitioner was prevented, by circumstances totally beyond his control, from presenting his petition within the prescribed period.

*Second.* In calculating the period of one month above specified, the courts shall be guided by the principles of the rules contained in clause tenth, Section 8, Regulation XXVI. 1814.

VI. *First.* The whole of clause second, and such parts of clause first, Section 12, Regulation XXII. 1816, as require that petitions of appeal from the assessment fixed by the *punchayet* for the maintenance of *chokeydars* of police, shall be presented on stamp paper, are hereby rescinded.

*Second.* The magistrates and joint magistrates are empowered and required, notwithstanding any thing to the contrary contained in Section 19, Regulation XXVIII. 1814, to receive on unstamped paper, all petitions which may be preferred to them by persons considering themselves aggrieved by the assessment, which may have been fixed by the *punchayet* appointed under the provisions of Section 9, Regulation XXII. 1816.

*Third.* When petitions of the above nature shall be presented to a magistrate or joint magistrate, he shall proceed upon them as directed in clause first, Section 12, Regulation XXII. 1816. It shall however be competent to the judges of circuit holding the jail delivery, on the receipt of information leading them to be of opinion, that the rate of assessment is too high, or otherwise essentially wrong or defective in any respect, to report their sentiments on the subject to Government, in order that after making such further inquiries

Such law officers empowered to exercise the powers vested in assistants to magistrates under the regulations in force.

Exposition of the rules referred to in such cases.

Persons imprisoned under sentences of the law officers not to be confined in irons or fetters, unless the magistrate considers such a measure necessary.

Law officers to furnish the magistrates with monthly statements of decisions passed by them.

Foregoing rules applicable to *sudder ameen*s empowered under Section 5, Regulation II. to try civil suits exceeding one hundred and fifty rupees, and to those appointed to the stations of joint magistrates.

Limitation of time for appeals from decisions of assistants and *sudder ameen*s, and from the orders of the magistrates to the courts of circuit.

In what cases petitions of appeal may be received after the limited time.

How magistrates are to be guided in calculating the period above adverted to.

Rules requiring that petitions of appeal against *chokeydaree* assessments fixed by *punchayet* be written on stamp paper, rescinded.

Magistrates and joint magistrates empowered to receive such petitions on unstamped paper.

And to proceed on them as directed in clause first, Section 12, Regulation XXII. 1816.

Judges of circuit holding jail delivery may report to Government any cases of improper assessment.

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inquiries as may be necessary, suitable measures may be adopted for the revision or correction of the assessment.

Rules for preventing subjects of foreign states entering the British territories under fictitious characters for unlawful purposes.

*Darogahs* empowered to detain such persons, and unless they receive a satisfactory account may either report or send them to the magistrates.

*Darogahs* how to proceed in cases when suspicion only attaches to such persons, although no sufficient cause for their detention exist.

Rules for the guidance of magistrates in the disposal of persons sent in by the *darogahs*.

Landholders and others declared responsible for an early communication of the resort to their villages of suspicious persons.

Penalty to which they are declared liable, should they omit giving the required information.

Punishment to which *chokeydars* are declared liable in case of neglect of duty.

**VII. First.** Whereas persons being the subjects of foreign states, and assuming the fictitious characters of rajahs or of natives of distinction, or of pilgrims, have frequently entered into the British territories, or have assembled together in armed bodies, for the purpose of committing robberies or other crimes within those territories, the following rules have been enacted, within a view to prevent the recurrence of those practices.

**Second.** In addition to the powers vested in *darogahs* of police, by the several clauses of Section 20, Regulation XX. 1817, with regard to the apprehension of all vagrants and suspicious persons, they are hereby empowered to detain all persons travelling in bodies through their jurisdictions, or assembling therein under circumstances leading to the suspicion that they have assumed a fictitious character, and that they are in reality persons of the description mentioned in the preceding clause; and unless on examination they shall be able to give a satisfactory account of themselves, the *darogahs* shall, without delay, either report to the magistrates the circumstances under which they may have been detained, or in cases of an emergent nature, shall forward such individuals to the magistrates.

**Third.** If a *darogah* of police, acting under the discretion vested in him by the preceding clause, shall not see sufficient cause, after the examination of the persons suspected, to send them to the magistrate, or to detain them until the orders of the magistrate shall be received, but shall nevertheless entertain suspicions of their real character and intentions, he shall depute one or more police officers to watch their proceedings in passing through his jurisdiction, and shall notify the same to the adjoining police division, in order that the same precautions may be adopted and followed up.

**Fourth.** If a *darogah* of police shall forward to the magistrate any persons travelling through, or assembling in his division, under suspicious circumstances, the magistrate having duly inquired into the grounds of their arrest, shall either release them, or adopt the precautionary measures directed in the preceding clause, or, if they appear to be travelling without any reasonable object, and to be inhabitants of a remote district, or subjects of a foreign state, he shall compel them to return, under a suitable guard, from station to station, to the district or territory from which they may appear to have proceeded.

**Fifth.** The principal persons residing in villages, whether landholders or farmers, or other local managers, or *munduls*, *putwarees*, or other heads of villages, and also *chokeydars* and village guards of every description, are hereby declared responsible for the early and punctual communication to the officers of the nearest police station, of the resort to, or passage through their villages, of any considerable body of strangers, or of the assemblage of such bodies within the limits of their villages, together with any particulars which they may be able to collect as to the alleged object of their assemblage or journey, or any suspicion which may arise as to their real character and intentions. Any landholder or farmer or other local manager, or *mundul*, *putwaree*, or other heads of villages, who shall wilfully neglect or delay to give the information above required, shall, on proof of such neglect, after an inquiry similar to that directed by Section 13, Regulation IX. 1808, be sentenced to pay a fine, or to suffer imprisonment not exceeding the limitation therein specified; and any *chokeydar*, or other village guard, who may be guilty of such neglect, shall be liable to the punishment which the magistrates are authorized to inflict under the provisions of Section 6, Regulation III. 1812.

## A. D. 1821. REGULATION IV.



A REGULATION for authorizing a Collector of Land Revenue, or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain Cases, the Powers of Magistrate, or joint Magistrate; and for authorizing a Magistrate, or joint Magistrate, or Assistant to a Magistrate, to exercise in certain Cases the Powers of a Collector of Land Revenue, or of any other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues. Also, for explaining the Duties of an Assistant to a Collector of Revenue, and for defining the Duties and Powers vested in Assistant Collectors or other Officers appointed to the Charge of the Revenues of Pergunnahs or other local Divisions, or employed in the Performance of any Portion of the Functions ordinarily belonging to Collectors of Land Revenue.—PASSED by the Governor General in Council, on the 19th January 1821; corresponding with the 8th Mang 1227 Bengal era; the 1st Mang 1228 Fussily; the 9th Mang 1228 Willuaty; the 1st Mang 1877 Sumbut; and the 14th Rubbi-us-Sanee 1236 Higeree.

**W**HEREAS it may be expedient to authorize a collector of land revenue or other officer employed in the management or superintendence of any branch of the territorial revenue, to exercise in certain cases the whole or any portion of the powers at present exercised respectively by a magistrate, or joint magistrate, or to vest the powers of a collector of revenue, or any portion thereof, in the hands of a magistrate or joint magistrate, or of an assistant to a magistrate, and whereas it is expedient to explain the duties which may be performed by the assistants to the collectors of revenue, and to define the duties and powers vested in assistant collectors or other officers when appointed to the charge of the revenues of *pergunnahs* or other local divisions, or when employed in the performance of any portion of the functions ordinarily belonging to collectors of the land revenue; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Preamble.

II. It shall be competent to the Governor General in Council to authorize a collector of revenue, or other officer employed in the management or superintendence of any branch of the territorial revenues, to exercise the whole or any portion of the powers and duties vested by the regulations in the magistrates or joint magistrates, or to employ a magistrate, joint magistrate, or an assistant to a magistrate in the collection of the public revenue, and to invest the person so employed with the whole or any portion of the powers of a collector of revenue, or of other officer employed in the management or superintendence of any branch of the territorial revenues.

Governor General in Council declared competent to authorize a collector or other revenue officer exercise the powers of a magistrate or joint magistrate, and to invest magistrates with the powers of a collector.

III. *First.* If a person holding the office of magistrate, or joint magistrate, or assistant to a magistrate, shall be employed in the collection of the public revenue, he shall, previously to entering upon the execution of the duties of a collector, take and subscribe the oath prescribed by Section 25. and Section 26, Regulation V. 1804.

Magistrates, &c. employed in the collection of the public revenue to take a prescribed oath.

Collectors and other revenue officers appointed to the discharge of the duties of a magistrate, to take the prescribed oath.

Magistrates, &c. employed in the collection of the public revenue to be guided by the orders of the Boards of Revenue and Commissioners, and by the rules and regulations of Government.

Collectors or other revenue officers, employed as magistrates, to be guided by the regulations and by the orders of the superior courts.

Magistrates, &c. employed in the collection of revenue, and revenue officers exercising the powers of a magistrate or joint magistrate, to preserve the records of their respective offices separate and distinct.

Such of the rules in force as declare collectors amenable to *zillah* and city courts for acts done in opposition to the regulations applicable to magistrates employed in the collection of revenue.

Proviso in the event of such officer being himself the judge of the *zillah* or city in which the act may have been committed.

In the institution of a suit in a *zillah* or city court, a magistrate employed in the collection of revenue, not being himself in the charge of the office of judge, shall proceed according to the regulations enacted for the guidance of collectors.

Governor General in Council competent to cause such alterations in the limits of the several collectorships, and in the number of officers employed as collectors, as may from time to time appear expedient.

Board of Revenue and Commissioners empowered to depute officers subordinate to them to exercise the powers of collectors within such local limits as they may judge expedient.

*Second.* In like manner, if a person holding the office of collector of revenue, or of any other officer employed in the management or superintendence of any branch of the territorial revenues, shall be appointed to perform the duties of magistrate, or joint magistrate, he shall, previously to entering upon the execution of such office, take and subscribe the oath prescribed by Section 2, Regulation IX. 1793, and clause first, Section 3, Regulation XIII. 1793, with such verbal alterations only, as may be consonant to the nature of the appointment.

IV. *First.* If a person holding the office of magistrate, joint magistrate, or of assistant to a magistrate, shall be employed in the collection of the public revenue, he shall be guided in the execution of his duty as collector by the orders of the Board of Revenue, or the Board of Commissioners, and by the rules and regulations that have been, or may be enacted for the collection of the public revenue.

*Second.* If a person holding the office of collector of revenue, or otherwise employed in the management or superintendence of any branch of the territorial revenue, shall be appointed to perform the duties of magistrate, or joint magistrate, he shall be guided in the execution of those duties by the regulations which have been, or may be enacted for the guidance of those officers respectively, and by the orders of the superior courts of criminal judicature in all matters in which a controlling, or superintending power, is vested in those courts.

V. Every magistrate, or joint magistrate, or assistant to a magistrate, who may be employed in the collection of the revenue, and every collector or other officer employed in the management or collection of the territorial revenues, who may be authorized to exercise the powers of a magistrate or joint magistrate, under the provisions of this regulation, shall be careful to preserve the records of their judicial and revenue offices separate, and distinct from each other.

VI. *First.* Such parts of the existing regulations as declare the collectors of revenue to be amenable to the *zillah* and city courts for any acts done by them in their official capacity, in opposition to the regulations, shall be held applicable to any magistrate, or joint magistrate, or assistant to a magistrate, who may be employed in the collection of the public revenue.

*Second.* Provided always that if such individual shall, at the same time, hold the office of judge of the *zillah* or city in which the act in question may have been committed, such act shall not be cognizable by the *zillah* or city court, but by the provincial court of the division in which such *zillah* or city may be included.

VII. In the institution of suits for the recovery of the public revenue, or in any case in which the institution of a suit by the collector in the *zillah* or city courts is authorized, or directed by the regulations, a magistrate or joint magistrate, or assistant to a magistrate, employed in the collection of the revenue, not being himself in charge of the office of judge of a *zillah* or city court, shall proceed according to the regulations already in force for the guidance of the collectors under similar circumstances.

VIII. *First.* It is hereby declared and enacted, that it is and shall be lawful for the Governor General in Council to cause such alterations to be made in the limits of the several collectorships, and in the number of the officers employed as collectors of land revenue, as may from time to time appear expedient, as well as to vest such officers, being covenanted servants of the Honorable Company, with authority to exercise the whole or any part of the functions ordinarily exercised by collectors of land revenue in such *mohaul* or *mohauls* belonging to such district or districts as may from time to time be deemed expedient: and any officers so employed shall perform their prescribed duties in the same manner and subject to the same conditions and liabilities as attach to collectors of land revenue in regard to such duties.

*Second.* It shall also be competent to the Board of Revenue, or other authority exercising the powers of that Board, to depute any of the officers subordinate to their authority, to exercise and perform all or any of the powers and duties ordinarily vested in collectors of land revenue within such local limits as they may judge expedient; provided however that in all such cases the Board or other authority aforesaid, shall, on the day in which they may depute any officer as aforesaid, or as soon after as practicable, report their having done so for the information and orders of the Governor General in Council.

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*Third.* The collectors of revenue are hereby authorized, with the sanction of the Board of Revenue, or the Board of Commissioners, to delegate to their assistants any part of their prescribed duties, which from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided always, that in the event of a collector deputing his assistant to make local inquiries, or for any other purpose connected with the collection of the public revenue, he shall immediately report the same for the information and orders of the Board of Revenue, or Board of Commissioners to which he may be subordinate.

*Fourth.* Previously to entering upon the duties of his office, an assistant to a collector shall take and subscribe an oath corresponding with that prescribed by Section 25. and Section 26, Regulation V. 1804, for servants of the Company employed in the management and collection of the public revenue.

*Fifth.* Assistants or other officers exercising the powers of collectors of revenue, or any portion thereof, under the provisions of this regulation, shall be guided in every respect by the regulations which have been, or may be enacted for the management and collection of the revenue, as far as the same may be applicable to the duties committed to them respectively, and shall be considered responsible for the due performance of the duties entrusted to them; and shall be amenable to the civil courts of judicature for any acts done by them in their official capacity, in opposition to the regulations, in the same manner, and under the same rules, as the collectors of revenue.

Proviso, requiring a report of their having done so.

Collectors authorized, with the sanction of the Boards, to delegate to their assistants any part of their duties to which they may be unable to give due attention.

Proviso, in the event of a collector deputing his assistant.

An assistant to a collector to take the oath prescribed in Sections 25. and 26, Regulation V. 1804. previously to entering on his duties.

Assistants or other officers exercising the powers of collectors to be guided by the regulations, and to be responsible for the performance of their duties, and amenable to the civil courts.



## A. D. 1821. REGULATION V.



A REGULATION for settling the Rates at which Benares and Furruckabad Rupees shall be received in Payment of the Revenue of Mulguzars, whose Engagements are expressed in Gohurshahee or Tirsoolee Rupees. —PASSED by the Governor General in Council, on the 23d November 1821 ; corresponding with the 9th Aughun 1228 Bengal era ; the 14th Aughun 1229 Fussily ; the 10th Aughun 1229 Willaity ; the 14th Aughun 1878 Sumbut ; and the 27th Suffer 1237 Higeree

IT is enacted by Regulation IX. 1819, that the Furruckabad rupees shall be received with- in the province of Benares at par with the Benares rupees : but no provision has been made for regulating the exchange in account between the said rupees and the Gohurshahee and Tirsoolee rupees, in which it appears that the engagements of many *malguzars* are expressed : moreover the batta to be taken from such *malguzars* has hitherto been arbitrarily fixed, and considerable abuses have consequently prevailed. The intrinsic value of the coins having been now ascertained by a careful assay, when it has appeared that the rupee denominated *chorah* Gohurshahee exceeds, and the other descriptions of Gohurshahee rupees equal the Furruckabad rupee in value, and that the latter coin is 3 : 11 : 7 per cent. superior in value to the Tirsoolee rupee, the revenue officers have been directed to adjust their demands on the said *malguzars* according to the results of the assay, subject to the general principle of receiving the Furruckabad rupee at par with the Benares rupee, and without any demand of batta on account of its inferiority in value below the local currency. In pursuance of the orders already issued in this matter, and for the purpose of making generally known the results of the assays, and of removing all doubts as to the rate at which rupees denominated Gohurshahee and Tirsoolee are to be valued, the following rules have been enacted, to be in force from the date of their promulgation.

II. The Benares and Furruckabad rupees which are now received as of equal value in all payments of the Government revenue shall be paid and received in lieu of the Gohurshahee rupees, and at par with the same in liquidation of all demands on any *malguzar* or other person who may have entered into engagements with Government, expressed in any description of Gohurshahee rupee. The Gohurshahee rupee shall be held and considered as of equal value with the Furruckabad and Benares rupees in the adjustment of all claims or demands, on account of revenue arising out of such engagements as aforesaid, which may be suspended or unsettled ; and no *malguzar* or other person aforesaid shall be entitled to any deduction or allowance by way of batta, or the like, on account of payments made or tendered by him in Benares or Furruckabad rupees, in fulfilment of engagements expressed in Gohurshahee rupees : provided always, that in cases in which such deduction or allowance may have been made, and receipts granted or credit given accordingly, nothing in this regulation shall be understood to authorize the officers of Government or individuals to make any demand on account of such deduction or allowance, nor shall any such demand be held valid.

III. All *malguzars* or other persons whose engagement are expressed in Tirsoolee rupees, shall be allowed a batta of rupees 3 : 11 : 7 per cent. on payments made in Furruckabad

Preamble.

In what cases the Benares, Furruckabad, and Gohurshahee rupees be considered of equal value, and to be received and paid without an allowance or deduction on account of batta.

Proviso.

Persons whose engagements are made in Tir-



## A. D. 1821. REGULATION V.

soolee rupees to be allowed a certain batta or per centage on payments in Furruckabad or Benares rupees.

Proviso.

Certain cases in which engagements for lapsed *mohauls* within the province of Benares are to be made in Furruckabad rupees.

And others in which the payment, if expressed in Gohurshahee or Tirsoolee rupees, is to be converted into Furruckabad rupees.

ruckabad or Benares rupees : that is to say, on the payment of rupees 96 : 4 : 5 of the Furruckabad or Benares currency, the said persons shall have credit for 100 Tirsoolee rupees, in liquidation of demands under engagements expressed in that description of rupee ; provided always, that all suspended or unsettled demands or accounts shall be adjusted on the same principle, but no fresh demands shall be admitted on account of any deduction or allowance made in the settlement of accounts already adjusted.

IV. All *mohauls* held in farm within the province of Benares, whereof there may be no ancient proprietors forthcoming entitled to re-enter, subject to the payment of the *jumma* already fixed, being open to re-settlement on the death of the farmers, it is hereby declared and enacted, that the collectors within the said province shall hereafter adjust the assessment of such estates with reference to the assets estimated in Furruckabad rupees, and that the engagements of the *malguzars* of such estates shall be uniformly expressed in that currency. In like manner, in cases wherein the ancient *zemindars* may be entitled to re-enter subject to the payment of the *jumma* already fixed, the said *jumma*, if expressed in Gohurshahee or Tirsoolee rupees, shall be converted into Furruckabad rupees at the rates herein before specified, and the engagements of the proprietors shall be expressed in the last-mentioned currency.

## A. D. 1822. REGULATION I.

A REGULATION for amending Regulation XLIX. 1793; Regulation XXXII. 1803; and Regulation V. 1809.—PASSED by the Governor General in Council, on the 18th January 1822; corresponding with the 6th Mang 1228 Bengal era; the 11th Mang 1229 Fussily; the 7th Mang 1229 Willaity; the 11th Mang 1878 Sumbut; and the 23d Rubee-us-Sunee 1237 Higeree.

**W**HEREAS it has been deemed advisable that persons engaged in affrays, and native subjects of the British Government committing criminal offences in places out of the limits of the British provinces, should in cases of minor importance and of an unaggravated nature be declared punishable by the magistrates, without commitment to the courts of circuit; and whereas Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809, have been held to place the punishment of such offenders beyond the competence of the magistrates, and to render their commitment for trial to the courts of circuit indispensable; the following rules have been enacted, to be in force throughout the British territories immediately subject to the government of the presidency of Fort William, from the date of their promulgation

Preamble.

II. Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809, are hereby amended.

Regulations amended.

III. All persons charged with being concerned in affrays as defined in Regulation XLIX. 1793, and Regulation XXXII. 1803, shall, upon due proof of the offence, provided the affrays be unattended with homicide, severe wounding, or other aggravating circumstance, be punishable by the magistrate or joint magistrate of the district in which the affray may have occurred, without commitment to the court of circuit.

Affrays punishable by the magistrate under certain restrictions.

IV. In awarding punishment in such cases, the magistrate or joint magistrate shall not exceed the powers vested in him by Section 19, Regulation IX. 1807; nor shall it in any case of affray be competent to a magistrate or joint magistrate to award corporal punishment, nor shall a magistrate refer any such case for examination and decision to his assistant, unless such assistant shall be invested with the special powers designated in Section 2, Regulation III. 1821.

Rules for awarding punishment in such cases. Not referrible to assistants.

V. In all cases of affray attended with homicide, severe wounding, or other aggravating circumstance, the magistrate or joint magistrate shall, as heretofore, bring the offenders to trial before the court of circuit, committing them to prison, or enlarging them upon bail, as the circumstances of each case may appear to require.

All cases of affray not punishable by the magistrate, to be disposed of as heretofore.

VI. All native subjects of the British Government, as specified in Regulation VIII. 1813, who may commit a crime or a misdemeanor in places out of the limits of the British provinces, shall, after the receipt of the sanction of the Governor General in Council, required by Regulation V. 1809, be tried, and punished or acquitted by the magistrate or joint magistrate, or be committed for trial before the court of circuit, according to the nature and circumstances of the offence, in the same manner as if the offence had been committed within the limits of the British territories.

Magistrates vested with power to proceed in all offences committed by native subjects of Government out of the limits of the British provinces, in the same manner as in similar offences committed within those limits.



# A. D. 1822. REGULATION II.



A REGULATION *for modifying certain Provisions in the existing Regulations relative to the Officers employed in the Collection of the Government Customs and Town Duties.*—PASSED by the Governor General in Council, on the 19th March 1822; corresponding with the 7th Chyte 1228 Bengal era; the 12th Chyte 1229 Fussily; the 8th Chyte 1229 Willaity; the 11th Chyte 1878 Sumbut; and the 24th Juma-dee-us-Sanee 1237 Higeree.

**W**HEREAS it has appeared expedient to place the sea and land departments of the Calcutta customs under two distinct officers, to be denominated, the one collector of sea customs, the other collector of inland customs; and whereas it is expedient that the Governor General in Council should exercise the power of appointing, by an order in council, such officer or officers as he may deem fit to exercise the whole, or any part of the duties and authority vested by the existing regulations in collectors of customs and their deputies, the following rules have been enacted, to be in force from the date of their promulgation.

**II. First.** So much of Section 6, Regulation IX. of 1810, Sections 4. and 26, Regulation X. of 1810, as prescribes the appointment of the officers therein mentioned, to exercise the duties vested by those regulations in collectors of customs and town duties, together with all other provisions of the existing regulations, which restrict or can be construed to restrict the Governor General in Council in the appointment of officers to the exercise and performance of the said powers and duties, are hereby rescinded.

**Second.** It shall and may be competent to the Governor General in Council, by an order in council, to appoint such and as many officers, being covenanted servants of the Honorable Company, as he may from time to time deem proper, to collect the duties of Government customs and town duties, or such items thereof, as the said Governor General in Council may deem proper, and the officers so appointed shall possess and exercise in regard to the duties, the collection of which may be entrusted to them, and to all persons and things chargeable with or liable to the said duties, as well as in respect to all forfeitures, defaults, suits, investigations, and processes relating to such duties or the collection thereof, or to the subordinate officers employed in the collection or custody of the said duties, or the articles chargeable therewith, all such powers and authorities as may or shall be legally exercised by collectors, or deputy collectors, under the regulations which are now in force, or which may be hereafter enacted, subject to the same rules and provisions as may or shall apply to the collectors and deputy collectors aforesaid.

**Third.** It shall likewise be competent to the Governor General in Council, by an order in council, to vest any officer or officers, being covenanted servants of the Company, whether employed in collecting the customs and town duties or not, with such part of the powers and authority usually possessed and exercised by collectors of customs and town duties, as he may from time to time judge to be proper.

**Fourth.** It shall also be competent to the Governor General in Council to pass such orders as may from time to time appear proper, in regard to the disposal of that part of the proceeds of goods confiscated, or of the fines or penalties incurred by a breach of the custom regulations, which under the provisions of the existing regulations is assigned to the collectors of customs, or other covenanted servants of the East India Company.

Preamble.

Parts of Regulations IX. and X. of 1810, and other regulations imposing restrictions on the appointment of officers for the collection of Government customs and town duties, rescinded.

Power reserved to the Governor General in Council to appoint any number of officers, being covenanted servants, to collect the duties of Government customs and town duties, and they to have the full power now exercised by collectors or deputy collectors.

The Governor General in Council may vest any covenanted servant with part of the powers and authority now exercised by the collectors of customs and town duties.

The Governor General in Council alone shall be competent to pass orders in regard to the disposal of the proceeds of goods confiscated, or of the fines or penalties incurred by a breach of the custom regulations.



## A. D. 1822. REGULATION III.



**A REGULATION** *for modifying the Constitution and altering the Jurisdiction of the several Boards vested with the Superintendence of the Land Revenue, in the Territories belonging to the Presidency of Fort William.*—**PASSED** by the Governor General in Council, on the 19th March 1822; corresponding with the 7th Chyte 1228 Bengal era; the 12th Chyte 1229 Fussily; the 8th Chyte 1229 Willaity; the 11th Chyte 1878 Sumbut; and the 24th Jumadee-us-Sanee 1237 Higeree.

**W**HEREAS the superintendence of the Delhi territory has recently been vested in the Board of Commissioners for the ceded and conquered provinces, and for this and other causes it has become necessary to relieve the said Board from the charge of a portion of the districts now under their control; and whereas it is also desirable to modify the constitution and alter the jurisdiction of the several Boards entrusted with the management of the land revenue; the following rules have been enacted, to be in force from the date of their promulgation.

Preamble.

**II. First.** Sections 28, 29, 34, 35, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70, Regulation II. 1793; Section 26, Regulation V. 1795; and Section 27, Regulation XXV. 1803, are hereby rescinded.

Provisions of regulations rescinded.

**Second.** Regulation I. 1816; Regulation I. 1817; and Sections 2. and 3, Regulation XXIV. 1817, are hereby rescinded.

Further provisions rescinded.

**III. First.** The duties, powers, and authority at present exercised by the Board of Commissioners in Behar and Benares, within the districts of Bhagulpore and Purnea, shall from and after the 1st of May next, be vested in the Board of Revenue, which shall continue to possess, exercise, and perform the duties, powers, and authority now belonging to them in the districts subordinate to their authority, and shall hereafter be denominated the Board of Revenue for the lower provinces.

Bhagulpore and Purnea transferred from the jurisdiction of the Board of Commissioners for Behar and Benares to the Board of Revenue, which is to be called the Board of Revenue for the lower provinces.

**Second.** The duties, powers, and authority at present exercised by the Board of Commissioners in the ceded and conquered provinces within the southern and northern divisions of Bundelcund and the districts of Allahabad and Cawnpore, shall from and after the said date be vested in the Board of Commissioners in Behar and Benares, which shall continue to possess, exercise, and perform the duties, powers, and authority now belonging to them in the districts at present subordinate to them, save as above provided, and shall be hereafter denominated the Board of Revenue for the central provinces.

The north and south divisions of Bundelcund, with *zillahs* Allahabad and Cawnpore, transferred from the Board of Commissioners in the ceded and conquered provinces to the Board of Commissioners for Behar and Benares, which is to be called the Board of Revenue for the central provinces.

**Third.** The several districts of the ceded and conquered provinces, with the exception of the districts above specified, shall continue as heretofore, subordinate to the Board of Commissioners, which Board shall hereafter be denominated the Board of Revenue for the western provinces.

The remaining districts of the ceded and conquered provinces to continue as heretofore, subordinate to the Board of Commissioners, which Board is to be denominated the

**IV. First.** The said Boards shall each of them consist of such number of members as the Governor General in Council may from time to time appoint.

**Second.** The said Boards shall ordinarily sit daily (Sundays and holidays excepted) for the transaction of public business.

*Third.*

## A. D. 1822. REGULATION III.

Board of Revenue for the western provinces.

Power reserved to the Governor General in Council in appointing members to the Boards.

Sittings of the Boards ordinarily to be daily.

Boards to be guided in regard to the form of their proceedings, in cases where no special regulations exist, by the orders of Government.

Power reserved to the Governor General in Council in fixing the *sudder* stations of the Boards.

Governor General in Council declared competent to authorize, when necessary, a single member of any Board to exercise all the duties vested in the Board collectively.

And to authorize the several members separately to exercise at the same time such part of the duties as may appear requisite for the greater despatch of business or other cause.

Proviso - no single member to reverse or alter a collector's order.

Except authorized by Government, nor to reverse or alter a decree or order passed by any other member.

No settlements whether temporary or perpetual to be binding, unless confirmed by the Governor General in Council.

Rule defining the course of proceeding in cases where a difference of opinion may arise.

A single member, when vested with separate authority, declared competent to proceed in the same mode as the Board collectively are authorized in regard to the appointment, removal, or punishment of collector's native officers.

Proviso in cases where a difference of opinion may arise.

Two members necessary to appoint, remove, or punish officers of the Board, unless authorized by Government.

Single members, when vested with separate authority, declared competent to suspend any officer.

But the order for such suspension, unless in spe-

*Third.* In regard to the form of their proceedings, they shall be guided in all cases, not specifically provided for in the existing regulations, by such orders as the Governor General in Council may from time to time issue, and it shall be competent to the Governor General in Council to fix the *sudder* stations of the several Boards at such places within the territories belonging to this presidency, whether the operation of the general code of regulations may or may not extend to the same, as from time to time may be deemed expedient, any thing in the existing regulations to the contrary notwithstanding.

*V. First.* It shall be competent to the Governor General in Council, by an order in council, to authorize a single member of any of the said Boards to exercise either generally or locally, all the duties, powers, and authority which are vested in the Board collectively, whenever circumstances may render such an arrangement desirable. It shall further be competent to the Governor General in Council similarly to authorize the several members of the said Board, separately to exercise at the same time and within the same limits, such part of the said duties, powers, and authority as it may from time to time be judged proper to assign to each respectively, whenever for the greater despatch of business or other cause, it may appear advisable to divide the business of the Board, or to assign any special duty to any member separately: provided however, that if a member exercising singly, as above, the duties, powers, and authority of the Board, or any part thereof, shall in any case be of opinion that any decision or order of a collector ought to be reversed or altered, he shall not pass any final order on the case, without the concurrence of one or more of the other members, unless otherwise specially directed and authorized by Government: provided further, that it shall not be competent to a single member of a Board to reverse or alter a decree or order passed by any other member: provided also that no settlement of the land revenue, whether in perpetuity or for a term of years, shall be or be held final and binding upon Government, unless the same shall have been formally confirmed by the Governor General in Council.

*Second.* Whenever two members of a Board shall jointly or separately have considered any question, if a difference of opinion shall arise between them, the decision of the question shall be postponed, and the case shall be referred to a third member, permanent or provisional, in such mode as may from time to time be directed by Government, and shall be determined according to the majority of voices.

*Third.* In regard to the appointment, removal, or punishment of the native officers of collectors of land revenue or other functionaries subordinate to the Boards, a single member vested as above with authority separately to exercise the powers of the Board or any part thereof, shall within the limits of his authority, be competent to proceed in the same manner as the Board collectively are authorized to proceed: provided that in any such case, if a member of the Board acting singly, shall differ in opinion from a collector or other functionary immediately subordinate to them, he shall not, unless otherwise specially authorized by Government, pass any final order, without the concurrence of one or more members of the Board.

*Fourth.* No final orders regarding the appointment, removal, or punishment of officers belonging or immediately subordinate to the Board, shall (unless otherwise specially directed by the Governor General in Council) be issued without the concurrent judgment of two or more members.

*Fifth.* Single members exercising separate authority as above, shall be competent to suspend any officer under their authority, in like manner as the Board collectively may do; but all orders regarding the suspension of any such officer, passed by a single member, unless in confirmation of an order or recommendation of a collector or other intermediate authority, or unless specially authorized by the Governor General in Council, shall be reported without loss of time to some other member, and shall be liable to be set aside by the decision of a majority of the Board.

*Sixth.* The Boards are authorized to review, rescind, alter, or confirm any order and decision passed by them collectively, or by any member exercising as above separate authority, if an application to that effect be made to them by any party interested in the case, within the period of three months from the date on which the order or decision may have been passed, or good and sufficient cause shewn for a further delay, and if from the docu-

### A. D. 1822. REGULATION III.

ments exhibited, the case shall appear to merit further investigation. But no order or decision passed by a single member exercising separate authority shall be reversed, altered, or staid, excepting on the concurrent judgment of two or more members.

*Seventh.* To provide for cases wherein the members of the Board shall not agree in opinion, as to the decision or order to be passed in any case, and wherein the voices on each side may be equal, it shall be competent to the Governor General in Council to appoint one or more temporary or provisional members, who shall in regard to the investigation and determination of the questions so in dispute, have and exercise the same powers and authority as if they ordinarily belonged to the Board; and if a difference of opinion as aforesaid shall arise between two members of the Board holding joint sittings, at any place where a temporary or provisional member may be stationed, the other permanent member or members of the Board being absent, it shall and may be lawful for them, without reference to such absent member, to submit the question in dispute to the provisional member, and to issue orders in conformity with the opinion which he may support.

cial cases, to be reported to some other member of the Board, who if a majority agree, may set it aside.

Board, when applied to, may revise, rescind, and alter their decisions, provided that such applications be made within three months, or sufficient cause shewn for delay.

Orders or decisions passed by a single member when vested with separate authority, not to be reversed or altered unless two or more members concur.

Provision in cases when the members of the Board differ in opinion, and the voices on each side are equal.





## A. D. 1822. REGULATION IV.



A REGULATION to provide for the more effectual Administration of criminal Justice in certain Cases.—PASSED by the Governor General in Council, on the 29th March 1822; corresponding with the 17th Chyte 1228 Bengal era; the 22d Chyte 1229 Fussily; the 18th Chyte 1229 Willaity; the 7th Chyte 1879 Sumbut; and the 4th Rajeeb 1237 Higeree.

**T**HE regulations in force containing no provision for enabling the judges of the Nizamut Adawlut to acquit a prisoner, notwithstanding his conviction by the *futwa* of their law officers, and certain distinctions of the Mahomedan law, evidently repugnant to the principles of equal justice, not having been hitherto rectified by any special enactment, the following rules are accordingly enacted, to provide for the cases referred to.

Preamble.

II. Whenever two or more judges of the Nizamut Adawlut, on a deliberate consideration of any *futwa* of their law officers, convicting a prisoner, may consider such prisoner to have been convicted on insufficient or unsatisfactory evidence, it shall be competent to the said judges to acquit the prisoner.

Power vested in two or more judges of the Nizamut Adawlut to pass sentence of acquittal, notwithstanding a *futwa* of conviction by the law officers of that court.

III. In all cases of murder, mutilation, or severe personal injury, in which the heir of the slain, or the person injured, may refuse to prosecute, the law officers of the Nizamut Adawlut shall be called on to declare, what the *futwa* would have been, in the event of their having prosecuted; and the judge or judges sitting on such trial shall pass sentence under the general regulations, and on a consideration of all the circumstances of the case, the same as if the parties had come forward to prosecute.

How the judges are to proceed, in cases when the heir of a slain or injured person may refuse to prosecute.

IV. The circumstance of supervening insanity, subsequent to the perpetration of a crime, at a time when no degree of derangement existed, and prior to the conviction of the prisoner for such crime, having been declared by the law officers, in a case of murder, to bar all capital or discretionary punishment, and to subject such person to *deent* only, in all such cases, viz. of a prisoner's being afflicted with insanity subsequent to the commission of any crime, and of his subsequent perfect recovery, the law officers of the Nizamut Adawlut shall be called on to declare, what the *futwa* would have been, if such derangement had not intervened, and the judge or judges sitting on the trial shall pass sentence under the general regulations, and on consideration of all the circumstances of the case, the same as if no such malady had happened to the prisoner.

How the judges are to proceed, in the case of a prisoner who, subsequent to the perpetration of a crime and prior to conviction, may exhibit symptoms of derangement.

V. It having been found, that in certain cases of murder, the justificatory plea, that the person murdered was the mistress or relation of the prisoner, and detected in criminal intercourse with another man, or that the murdered man was found in criminal intercourse with the prisoner's mistress or relation, or, generally speaking, detected in fornication, has been upheld by the law officers in bar of capital or discretionary punishment, and has been declared to subject such prisoner to *deent* only, it is hereby enacted, that the law officers of the Nizamut Adawlut shall be called on to declare in such cases what the *futwa* would have been, if such plea had not existed; and the judge or judges sitting on the trial shall pass sentence under the general regulations, and on consideration of all the circumstances of the case, the same as if no such plea had existed.

Judges how to proceed in cases when circumstances occur which the law officers consider justificatory, and plead them in lieu of capital or discretionary punishment.

## A. D. 1822. REGULATION IV.

Courts of circuit and Nizamut Adawlut how to proceed, in cases when prisoners for certain offences are declared by the law officers liable to *hukoomati adul* only.

VI. In many cases of corporal injury, extending even to *mayhem*, it has been found that the law officers on the full conviction of the prisoners declare them liable to *hukoomati adul* only, or a just award, which is construed by them to mean, payment by the prisoner of the expences incurred for medicines and medical attendance by the party injured; and such reparation being considered wholly inadequate, it is hereby enacted that the judges of circuit shall, under such *futwa*, be competent to pass sentence of imprisonment for any period not exceeding seven years, with power to refer the record to the Nizamut Adawlut, in any case in which they may deem that degree of punishment inadequate; and on the receipt thereof the Nizamut Adawlut, after requiring a further *futwa* from their law officers, shall pass sentence of imprisonment for such limited period of time, as under all the circumstances of the case may be equitable and just.

The provisions contained in Section 4, Regulation XVII. extended to cases in which a *futwa* of the law officers may declare the legal punishment barred by doubts of the prisoner's sanity when he committed the act charged.

Proviso.

VII. It is hereby declared, that the rule contained in Section 4, Regulation XVII. 1817, empowering two or more judges of the Nizamut Adawlut to convict and punish a prisoner charged with a criminal offence, in opposition to the acquittal of their law officers, shall be considered to extend to any case in which the *futwa* of the law officers of the Nizamut Adawlut may declare the legal penalty, or punishment generally, barred by reason of a doubt as to the prisoner's sanity when he committed the act charged; provided two or more judges of the Nizamut Adawlut, on due consideration of the evidence in such case, shall be satisfied, that there is no sufficient ground to believe that the prisoner was insane when he committed the act so charged, and that he is a proper object of punishment.

## A. D. 1822. REGULATION V.



A REGULATION for amending certain Provisions of Regulation IX. 1808.—PASSED by the Governor General in Council, on the 13th June 1822; corresponding with the 2d Jeyte 1229 Bengal era; the 9th Jeyte 1229 Fussily; the 1st Assaar 1229 Willaity; the 9th Jeyte 1879 Sumbut; and the 22d Ramzan 1237 Higeree.

**T**HE rules of Regulation IX. of 1808. provide, with respect to any person proclaimed under the third section on a charge of *dacoity*, that if such person do not surrender himself, or appear before the local magistrate, within the period limited in the proclamation, he shall, on the fact of contumacy being established, be presumed guilty of the crime (*dacoity*), with which he is charged, and in consequence be liable to a sentence of imprisonment and transportation for life. The rules of the regulation in question require expressly, that the individual should be brought to trial on the charge of contumacy; and they further recite and declare, that he may be also brought to trial for any specific offence other than that for which he was proclaimed. It however has been found that in some instances, in which the proclamation has been resorted to against persons charged with *dacoity*, such persons, by having been adjudged guilty of the contumacy and sentenced to the extent authorized by Regulation IX. 1808, viz. transportation for life, have thereby escaped a capital sentence, which was apparently called for by reason of the *dacoity*, they were presumed to have been concerned in, having been attended with murder. It has accordingly been deemed advisable to declare, that any person proclaimed for *dacoity* under the provisions of Regulation IX. 1808, may be brought to trial for the crime, for which he was proclaimed, and not for the contumacy, if it shall appear advisable so to proceed against him. The following rules have been accordingly enacted, to be in force from the date of their promulgation.

Preamble.

II. *First.* Sections 3, 6, 7, 8, and 10, of Regulation IX. 1808, are hereby modified as follows.

Parts of Regulation IX. 1808, modified.

*Second.* It is hereby declared, that, in the case of any individual proclaimed under the provisions of Regulation IX. 1808, the fact of his being guilty of contumacy in not appearing within the period limited in the proclamation, shall not prevent his being brought to trial on the charge which led to the proclamation, and being proceeded against on such charge according to the Mahomedan law and regulations, if it shall appear advisable that he be brought to trial on such charge, and not for his contumacy in not appearing to answer to it.

Proclaimed persons declared liable to be tried on the original charge, as well as for contumacy in not surrendering on proclamation.

III. It shall rest with the superintendent of police, on communication from the magistrate, to decide on which of the two charges, viz. the contumacy or the original offence, a proclaimed person shall be brought to trial.

Option vested in the superintendent of police in such cases.

IV. If a proclaimed person shall have been brought to trial for the contumacy, and acquitted on that charge, there shall, in the case of such acquittal, be no bar to his being brought to trial *de-novo* for the offence on account of which he was proclaimed; but in the case of such person being brought to trial for the offence on account of which he was proclaimed, and acquitted on that charge, he shall not be liable to any trial *de-novo* for the contumacy.

Proclaimed persons when tried for contumacy and acquitted, declared liable to be tried *de-novo* on the original charge, but not *vice versa*.



## A. D. 1822. REGULATION VI.



A REGULATION to establish a Court of Wards for Benares, and to define and explain certain of the Rules regarding the Powers and Jurisdiction of the several Courts of Wards.—PASSED on the 1st August 1822; corresponding with the 18th Sawun 1229 Bengul era; the 28th Sawun 1229 Fussily; the 19th Sawun 1229 Willaity; the 14th Sawun 1879 Sumbut; and the 12th Zekaad 1237 Higeree.

THE rules for constituting and for fixing the jurisdiction of the court of wards contained in Regulation X. 1793, extended to the ceded and conquered provinces by Regulation I.II. 1803, and Section 29, Regulation VIII. 1805, and to Cuttack by Section 36, Regulation XII. 1805, have never been extended to the province of Benares, though such extension was obviously intended, and is distinctly alluded to in clause the seventh, Section 7, Regulation V. 1795. Moreover, the original rules for the management of the estates of minors, and other disqualified persons, over which the court of wards have jurisdiction, provide only for the appointment of a manager from amongst the relations, connections, or principal servants of the minor's family, to collect the rents and otherwise manage the estate under the general authority of the court of wards. This system of management was early abandoned in the case of the less valuable estates, where the expense incident to the system was found to consume the profits, and the court of wards were authorized in such cases to adopt at their discretion any mode of management they might judge fit. Subsequently the managers were declared to be merely ministerial officers of the collector, by whom they were directed to be chosen, under the instructions of the Board of Revenue, without any regard to their connection with the proprietors. The revenue authorities were thus virtually vested with full powers of managing ward estates as might appear best, and the court of wards, finding the charges of *in-fussil* management by the said officers to be generally inordinate, obtained the authority and instructions of Government to substitute the system of farming in all ordinary cases. This system, which was adopted and pursued with a view to the interests of the minors, has now prevailed for a period of 18 years. Nevertheless the terms in which the discretion of dispensing with a manager is vested in the court by legislative enactment, have led to doubts of the legality of the practice of farming, as applied to extensive or profitable estates; it has accordingly been deemed necessary to declare by a specific enactment the competency of the court of wards to exercise generally a discretion in regard to the management of estates under their charge, and further to declare the legality of farms heretofore made under their authority. It is moreover expedient to enable the courts of wards to refrain from interfering with the estates of minors or other disqualified proprietors, in cases wherein they deem their interposition unnecessary or inexpedient: the following rules have accordingly been enacted, to be in force as provided therein, from the date of their promulgation.

II. Regulation I.II. 1803, with the addition contained in Section 29, Regulation VIII. 1805, is hereby extended to the province of Benares, and the Board of Revenue for the central provinces is constituted a court of wards for that province, under the above rules as hereinafter modified and explained.

III. *Firs'.* The several courts of wards established within the territories subject to the presidency of Fort William, are hereby declared competent to farm estates falling under their

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Regulation I.II. 1803, and part of Regulation VIII. 1805, extended to Benares, and the Board of Revenue for the central provinces constituted a court of wards, for that province.

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The several courts of wards vested with a discretionary power to farm estates for ten years, or to adopt any other plan of management not involving a longer assignment.

Farms of lands heretofore made under orders from the court of wards declared legal and valid, and to be so considered by the several courts of justice.

Farmers, &c. holding lands under the court of wards, declared subject to the same rules as are applicable to persons in possession of similar tenures under the collectors of revenue.

Courts of wards authorized to refrain from interfering with estates, in cases when their interference may appear unnecessary.

Provido, against the sale of a minor's estate for arrears.

Revenue officers may farm in such case, and court of wards competent to assume charge at any time during minority.

their jurisdiction for a term not exceeding ten years, or to adopt such other form of management, not involving an assignment of the minor's interests for a period exceeding the above, as may in their discretion seem most expedient; any thing in the existing regulations to the contrary notwithstanding. It is hereby further declared and provided, that all farms heretofore made by, or in pursuance of orders from the courts of wards, whether under the special authority of the Governor General in Council, or under the court's own construction of its general powers, shall to all intents and purposes be held and considered to be legal and valid, and no exception shall be taken, or allowed by any court of justice against such farms, on the ground of there having hitherto been no rule in any regulation published according to the provisions of Regulation XLI. 1793, specifically authorizing the practice.

*Second.* Farmers and others holding under the revenue authorities in their capacity of courts of wards, shall be subject to the same rules and regulations as are applicable to other persons holding similar tenures and interests under collectors of the land revenue.

IV. The several courts of wards are hereby vested with a discretion to refrain from interfering with the estates of minors, or other disqualified proprietors, in cases wherein they may deem their interposition unnecessary or inexpedient: provided, however, that no estate the sole property of a minor, and descended to him by the regular course of inheritance, shall, during his minority, be sold for arrears of revenue accruing subsequently to his accession to the same: but the revenue authorities shall, on an arrear so accruing, be authorized to farm the estate for a period not exceeding ten years, and it will of course be competent to the court of wards to assume charge of such estates at any time during the minority of the proprietor, notwithstanding they may have originally refrained from interfering.

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# A. D. 1822. REGULATION VII.



A REGULATION for declaring the Principles according to which the Settlement of the Land Revenue in the ceded and conquered Provinces, including Cuttack, Puttaspore, and its Dependencies, is to be hereafter made, and the Powers and Duties belonging to Collectors or other Officers employed in making, revising, or superintending Settlements; for continuing, with certain Exceptions, the existing Leases within the said Provinces for a further Term of five Years; for defining, settling, and recording the Rights and Obligations of various Classes and Persons possessing an Interest in the Land, or in the Rent or Produce thereof; and for vesting the Revenue Authorities with judicial Cognizance in certain Cases of Suits and Claims relating to Land, the Rent and Produce of Land.—PASSED by the Governor General in Council, on the 8th August 1822; corresponding with the 25th Sawun 1229 Bengal era; the 5th Sawun 1229 Fussily; the 26th Sawun 1229 Willaity; the 6th Sawun 1879 Sumbut; and the 19th Zekaud 1237 Higreee.

**W**HEREAS the existing settlement of the land revenue in the ceded provinces will expire with the present Fussily year, and it has therefore become necessary to declare and enact the principles and rules according to which the demand of the state is thereafter to be regulated, and the manner in which future settlements and revisions of settlements are to be conducted;—and whereas, a moderate assessment being equally conducive to the true interests of Government and to the wellbeing of its subjects, it is the wish and intention of Government, that in revising the existing settlement, the efforts of the revenue officers should chiefly be directed not to any general and extensive enhancement of the *jumma*, but to the objects of equalizing the public burthens, and of ascertaining, settling, and recording the rights, interests, privileges, and properties of all persons and classes owing, occupying, managing, or cultivating the land, or gathering or disposing of its produce, or collecting or appropriating the rent or revenue payable on account of land, or the produce of land, or paying, or receiving any cesses, contributions, or perquisites to or from any persons resident in, or owning, occupying, or holding parcel of any village or *mohaul*; and whereas, with these views and intentions, the Governor General in Council has considered it to be expedient and proper, with the exception hereinafter specified, to continue the existing assessment in all cases in which the settlement has been formed with *zemindars* or other persons acknowledged as proprietors or possessors of a permanent interest in the *mohaul* for which they may have engaged, until a new settlement can be made, combining with the revision of the Government *jumma* and the deliberate investigation of the facts, by the determination of which its amount must be regulated, a full inquiry into, and a careful settlement of the rights and interests of all classes connected with the land; and whereas the same principles are applicable to the district of Cuttack, the *pergunnah* of Puttaspore and its dependencies, of which the settlement will expire with the present Umlee year; and whereas it has appeared expedient to make special provision for the early settlement of the districts of Goruckpore, the *chuela* of Azimgurh, the *pergunnah* of Puttaspore and its dependencies; and whereas it is also advisable to provide for the revision of the settlement of the conquered provinces and of the province of Bundelcund, pending the continuance of the existing leases; and whereas it is the desire of Government that the proceedings held and the records formed by the collectors, when

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making settlements or otherwise specially employed in conducting inquiries of the above nature, should be such, as that all demands, claims, and suits may be adjudged and determined according to the facts therein stated, until the same shall have been formally altered, or it shall be shewn by the result of a full investigation in a regular suit, that the proceeding or record of the collector was erroneous or incomplete; and whereas it is necessary to declare and define the powers and authority to be vested in collectors in the conduct of the said inquiries, and the adjustment of the differences arising out of, or made known by them; and whereas it further appears advisable that the revenue officers should, in certain cases, be vested with authority judicially to receive, hear, investigate, and determine suits, claims, and demands of the above description; and whereas it appears to be expedient, to declare and explain the views and intentions of Government relative to the rights to be enjoyed and exercised by the *sudder malguzars*, or persons admitted to engage for the payment of the Government revenue, and by persons collecting the rents of the land or revenue of Government, without being subject to the payment of any portion of it to the public treasury, such as *jaghiredars* and other owners or managers of *talukheraj* lands, and it is particularly necessary in the case of estates held in *puttee taree* or *bhyachara* tenure to make further provision for protecting the sharers who have not been admitted to engagements with Government, against the encroachments of the *sudder malguzar*, and likewise to secure the latter against the consequences of the embezzlement or misappropriation by the former, of the funds whence the Government revenue ought to be discharged.

For the purposes and objects above specified, the following rules have been enacted, to be in force from the date of their promulgation, throughout the ceded and conquered provinces in the district of Cuttack, the *pergunnah* of Puttaspoore, and its dependencies.

The existing settlement in the ceded provinces to be extended in certain cases for a further period of five years.

So also the settlement in Cuttack.

Proclamations issued by the Revenue Boards and commissioners, notifying the proposed extension of the settlement, sanctioned and confirmed.

*Zemindars* failing to notify their intention to relinquish their lands under the said proclamations, shall be held responsible for the payment of the present *jumma*, during the ensuing five years.

Goruckpore and Azimgurh excluded from the operation of the foregoing clauses.

*Zemindars* of these districts to hold on from year to year, until a new settlement shall be made.

The existing leases in Puttaspoore and its de-

II. *First.* The existing settlement of the land revenue in the ceded provinces, with the exception hereinafter specified, shall in all cases in which it may have been concluded with *zemindars* or persons acknowledged as the proprietors or possessors of a permanent interest in the *mohaut* for which they have engaged, continue in force until the expiration of the year 1234 Fussily, subject to the following provisions.

*Second.* In like manner and subject to the same provisions, the existing settlement of the land revenue in the district of Cuttack shall, in all cases wherein it may have been concluded with persons of the above description, continue in force until the end of the year 1234 Umlee.

*Third.* The Board of Commissioners in the ceded and conquered provinces and the commissioner in Cuttack, having under instructions from the Governor General in Council, caused proclamations to be issued in the several districts under their authority, declaring the resolution of Government to extend the existing leases as above, and requiring all *zemindars* and other persons aforesaid, who might be unwilling to continue their engagements for a further period of five years, to notify the same to the collector of the *zillah*, the said proclamations are hereby sanctioned and confirmed; and all *zemindars* and other persons aforesaid who shall not have made a notification to the effect and within the period thereby required, shall be held and are hereby declared to be responsible for the same revenue for each of the ensuing five years, viz. until the expiration of the year 1234 Fussily, or 1234 Umlee as the case may be, as may be demandable from them on account of the present year.

*Fourth.* The districts of Goruckpore and Azimgurh are excluded from the operation of the rules contained in the preceding clauses of this section. The *zemindars* and other persons aforesaid within the said districts shall be allowed to hold, from year to year, the *mohauts* for which they may now be under engagements, subject to the payment of the *jumma* demandable on account of the present year, until the revenue officers shall be prepared to commence a careful revision of the settlement of their respective estates; and all engagements into which such *zemindars* and other persons may have entered, or shall enter, with the local revenue authorities for continuing their present leases as aforesaid, are hereby confirmed.

*Fifth.* In like manner the *zemindars* and other persons aforesaid within the *pergunnah* of Puttaspoore and its dependencies, shall similarly be allowed to hold, from year to year, the

the *mohauls* for which they may now be under engagements, until a proper settlement of the same can be made.

*Sath.* Provided also, that it be hereby declared and enacted as a general rule, that if any *zemindar* and other *malguzar* as aforesaid, who may now or hereafter be under engagement for the payment of the revenue demandable by Government on account of any *mohaul*, shall be allowed by the revenue authorities to continue in the management of such *mohaul* after the expiration of such engagement, and shall do or direct any act relative to the cultivation or management of such *mohaul*, or the settlement, assessment, or collection of the rents of such *mohaul*, in, or on account of any year subsequent to the term of such engagement, such *zemindar* or other *malguzar* aforesaid shall be held to be responsible on account of such year for the same revenue as may have been demandable from him for the year preceding, unless otherwise specially agreed upon. Provided further, that it shall be competent for collectors or other officers exercising the powers of collectors, with the sanction of the Board or commissioner to whom they may be subordinate, at any time, not being more than six months previous to the expiration of a settlement, to call upon the *zemindars* or other *malguzars*, as aforesaid, to declare, whether or not they are willing to continue their engagements for the ensuing year; and if such *zemindars* or other *malguzars* shall not forthwith notify their refusal to do so, they shall be held to have agreed to such an extension of their leases at the existing assessment, and so on, from year to year, as aforesaid. *Zemindars* or other *malguzars* who may be allowed to hold on from year to year, shall not be chargeable with any additional revenue on account of any year, unless the collector or other officer exercising the powers of collector, shall notify his intention to revise the assessment, on or before the commencement of such year, unless where otherwise specially provided.

III. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases for such a period as the Governor General in Council may direct. A preference shall be given to the *zemindars* or other persons possessing a permanent property in the *mohauls*, if willing to engage for the payment of the public revenue on reasonable terms: provided also, that in cases wherein such *mohauls* may be let in farm, the term of the lease granted to the farmers shall not exceed twelve years. The above rules shall likewise be applicable to estates now held *khas*. So in any cases wherein the *zemindars* and other proprietors may refuse to continue their existing engagements, or to enter into new engagements on equitable terms, it shall be competent to the revenue authorities to let the lands in farm, for such period not exceeding twelve years, as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under *khas* management during the period aforesaid, or such shorter period as may be judged proper. Provided further, that if in any case it shall appear to the revenue authorities, that the continuance or admission of any *raja*, *zemindar*, *talookdar*, or other person, who may have engaged, or may claim to engage for any *mohaul* or *mohauls*, in, or to the management of such *mohaul* or *mohauls*, would endanger the public tranquillity, or otherwise be seriously detrimental, it shall be their duty to report the circumstance to Government, and it shall be competent to the Governor General in Council, by an order in Council, to cause such *mohaul* or *mohauls* to be held *khas* or let in farm, for such term as may appear expedient and proper, not exceeding the period above specified.

IV. In admitting particular parties to engage, it was in no degree the intention of Government to compromise private rights or privileges, or to vest the *sudder malguzars* with any rights not previously possessed by them, excepting in so far as their interest in the land for which they may have engaged, might be improved by the limitation of the Government demand, or otherwise by the resignation in their favour of rights previously vested in Government itself, or as it may have been found necessary with a view to the punctual realization of the public dues, to vest the *sudder malguzar*, by special regulation, with authority of distraint, or other powers of coercion over the under-tenants. On the contrary, it is the anxious desire of Government, and the bounden duty of its officers, to secure every one in the possession of the rights and privileges which he may lawfully possess, or be entitled to possess. In pursuance of this principle, it is hereby declared and enacted, that nothing in the above provisions for extending the existing leases, or in the stipulations

pendencies, to be similarly continued from year to year.

General rule relative to *zemindars* holding on, after the expiration of their leases.

Collectors authorized, with the sanction of the Board, to require *zemindars* to state, whether they are willing to continue their engagements.

*Zemindars* allowed to hold on, shall not be chargeable with additional revenue excepting in certain cases.

Settlement how to be made for farmed estates.

For estates held *khas*.  
For estates of recusant *zemindars*.

Cases in which *zemindars* may be excluded from, or deprived of the management of their estates.

The admission of particular parties to engage for the payment of the public revenue, shall not bar the revenue officers from interfering to adjust the rights of other persons or classes.

But if the profits of any *zemindar* be materially reduced by any order or decision of such officer, he shall be at liberty to relinquish his engagements.

Existing provisions relative to *malikana* and *nankar* rescinded.

*Malikana* to be allowed to proprietors of estates farmed or held *khas*.

How to be apportioned among several proprietors.

Not to be less than five, nor without special sanction of Government, more than ten per cent. on the Government *jumma*.

Subject to what deduction.

No *malikana* allowance under this rule to be granted to *zemindars*, who may continue to occupy their lands under the farmer or Government officer.

Nor without special sanction to *zemindars* making collections from the *ryots*.

Provision for the case of *malguzars* not proprietors, or only part proprietors of the *mohauls* for which they may have been under engagements.

*Zemindars* may be called upon to state the *jumma* for which they may be willing to engage, and their *malikana* allowance may be adjusted according to the amount tendered by them.

Or by the net revenue of the preceding year, if no tender be made.

of the existing settlements, do or shall be construed to bar the revenue officers duly empowered in that behalf, from interfering to adjust the respective rights of the *sudder malguzars* and their under-tenants; nor shall any claims to a remission or abatement of revenue be admitted on the ground of any decision or order passed in that behalf: but if such decision or order shall operate materially to reduce the profits derived by any *zemindar* or *malguzar* from the *mohaul* owned or managed by him, it shall be competent for such *zemindar* or *malguzar* to relinquish his engagements, and the revenue officers shall in such case proceed to make a settlement of the *mohaul de-novo*.

V. *First*. The provisions contained in the existing regulations, regarding the allowance to be made to *zemindars* and other *malguzars* who may be excluded from the management of *mohauls* owned or claimed by them, whether as *malikana* or *nankar*, are hereby rescinded.

*Second*. The proprietors of estates let in farm or held *khas* shall be entitled to receive an allowance of *malikana*, at such rate as the Board of Commissioners, or other authority exercising the powers of that Board, may determine; any thing in the existing regulations notwithstanding: the said *malikana* to be apportioned in cases in which several proprietors may have heretofore held an estate under one common assessment, whether in joint tenancy or otherwise, according to the shares of each respectively; provided also, that the *malikana* allowance granted to the proprietor or proprietors of any *mohaul*, shall not in any case be less than five per cent. on the net amount realized by Government from the lands; nor shall it exceed ten per cent. on that amount without the special sanction of the Governor General in Council. Provided further, that if the said proprietors shall in any case be in the receipt of any perquisite or the profits of any lands in lieu of the *nankar* formerly granted to them by the native Governments, or otherwise in consideration of their proprietary tenure, the amount of such allowance shall be deducted from the *malikana* to which they are by this section declared to be entitled: provided also, that this rule shall not apply to such *zemindars* as may continue in the occupancy of their tenures, whilst the *mohaul* in which they are included is held *khas* or farmed, or of any part of them, that is to say, *zemindars* who may cultivate or lease their lands, and pay the revenue to the farmer or Government officer; nor without the special sanction of Government to any *malguzar*, *zemindar*, or other proprietor or holder of land who may directly or indirectly continue to draw any allowance from the *ryots* of the lands farmed or held *khas*: provided also, that *malguzars* not being actual proprietors of the land included in the estate for which they may have formerly been under engagements, though recorded in the accounts of past settlements as *zemindars*, *talookdars*, or the like, or being proprietors of a part only of such land, shall not receive the above allowance on the *jumma* of the estate, but shall receive such allowance in lieu of their title of management, as it may appear to Government to be equitable to assign, in addition to the *malikana* to which they may be entitled on account of any lands held by them in actual property, and of which they may not retain the occupancy: and no *malikana* shall be granted to any *sudder malguzar* on account of lands, the occupants of which may deny his right of property, until he shall have established his right by a regular suit in a court of justice or to the satisfaction of the Board. But in such cases, such provision will be made for the intermediate support of the party, as the Governor General in Council may, on the recommendation of the Board, see fit to direct.

*Third*. Provided also, that if any *zemindar* or *sudder malguzar* shall have been called upon by a collector, or other officer exercising the powers of a collector, to state the highest amount of *jumma*, for the payment of which he may be willing to engage, and shall have stated the same accordingly; the sum so stated by such *zemindar* or *sudder malguzar*, and not the *jumma* ultimately realized by Government, shall form the basis on which his *malikana* allowance shall be adjusted; and in such case, it shall and may be lawful for the revenue authorities to limit the said allowance to five per cent. on the said sum, or to a portion thereof, according to the extent of the proprietary interest possessed by the said *zemindar* or *sudder malguzar*. Provided also, that if a *zemindar* or *sudder malguzar* when so called upon shall fail to specify or tender any sum as aforesaid, then, and in that case, the net revenue derived by Government from the *mohaul* on account of the year preceding that in which the collector or other officer aforesaid may make the said requisition, shall be taken

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as the sum by which the amount of *malikana* (not being less than five, nor more than ten per cent. on the same) shall be adjusted.

**VI. First.** In cases wherein the existing engagements may be continued under the rule contained in Section 2. of this regulation, it shall and may be lawful for the collectors, with the sanction of the Board of Commissioners, to enter, at any time in the course thereof, on a revision of the settlement, notwithstanding such continuance of the existing leases, and to adopt such measures as may be requisite for ascertaining and determining the extent and produce of the lands and the amount of *jumma* properly demandable therefrom, and for procuring and recording the fullest possible information in regard to the rights, interests, privileges, and properties of the agricultural community; and to determine the same with the same powers and authority as they now are, or may hereafter be entitled to exercise, in forming the settlement of estates open to re-assessment.

Revenue officers may revise settlement of estates, of which the existing leases shall be extended under Section 2, during the continuance of such extended lease.

**Second.** The said revision of the settlement shall be made village by village and *mohaul* by *mohaul*, and such number of *mohauls* shall be revised in each year as the Board, under the orders of the Governor General in Council, may direct.

Revision of settlement how to be made.

**Third.** Such revision of the settlement shall not operate to disturb the existing engagements during the period for which they may be continued under the provisions of Section 2. of this regulation, in so far as such engagements relate to the amount of *jumma* demandable by Government: but the said engagements shall be held and considered to include only such villages and lands as may be specified in the proceedings or accounts of the settlement last concluded; and if on the revision of the settlement of any *mohaul* it shall be found that there has been any material error or concealment of lands belonging to such *mohaul*, the collector shall be authorized, subject to the orders of the Board, separately to assess the lands so withheld from the knowledge of the revenue authorities, in the same manner and with the same powers as he would assess an unsettled *mohaul*. Provided also, that nothing in this, or the preceding sections, shall be construed to prevent the revenue officers from passing and enforcing such orders in regard to the rights and interests to be enjoyed by the different classes or persons connected with any *mohaul*, during the period for which the existing settlement has been extended, as they may or shall be authorized to pass or enforce, when adjusting the assessment of an unsettled *mohaul*.

Revision of settlement shall not operate to alter the amount of the *jumma* payable on account of lands included in existing engagements.

But lands withheld from the knowledge of the revenue officers at past settlements, may be separately assessed.

Revenue officers revising settlements to exercise the same authority in adjusting the relative rights of individuals, as they may exercise when assessing a *mohaul* open to re-assessment.

**Fourth.** It shall in like manner be competent to the collectors in the conquered provinces, and in the province of Bundelcund, to enter on a revision of the settlement under the provisions contained in the preceding clauses of this section, during the continuance of the existing leases.

Collectors in the conquered provinces to revise settlements during the continuance of the existing leases.

**VII. First.** When a collector in the ceded provinces or in the province of Cuttack shall have completed the revision of the settlement of any *mohauls* under the rules contained in the preceding section, it shall and may be lawful for him, subject to the orders of the Board of Commissioners and of Government, to grant to the proprietors, if willing to engage on adequate terms, renewed leases for such further term of years subsequent to the year 1234 Fussily or Umlee, as the Governor General in Council may direct.

When revision of settlement completed, prolonged leases to be granted in the ceded provinces and in Cuttack, Putaspore and its dependencies, for years subsequent to 1234.

**Second.** The assessment to be demanded on account of the years subsequent to the year 1234 Fussily, to which leases renewed as above may extend, shall be fixed with reference to the produce and capabilities of the land, as ascertained at the time when the revision of the settlement shall be made, unless under special circumstances justifying a prospective enhancement of the Government demand. Provided also, that the amount of such assessment shall not be raised above that of the present *jumma*, unless it shall clearly appear, that the net profits to be derived from the land by the *zemindars* and others who may be entitled to share in the profits arising out of the limitation of the Government demand will exceed 1-5th of that amount: and in cases wherein any increase may be demanded, the assessment shall be so regulated as to leave the *zemindars* and others aforesaid a net profit of twenty per cent. on the amount of the *jumma* payable by or through them respectively. No abatement on the existing *jumma* will be allowed, unless on the clearest grounds of necessity.

*Jumma* for years subsequent to 1234, how to be adjusted.

**Third.** The *pottahs* granted on such revised settlements shall be held only to secure the *malguzars* from further demand during the term of their respective leases, on account

*Pottahs* granted on revised settlement only to cover lands specified.

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of the lands specified in it, or described in the settlement *roohakaree* of the collector, with such allowance for error as may be distinctly declared at the time of settlement. *Zemindars* and other persons entering into engagements will be required therefore to afford the fullest and most correct information in regard to the *ruaba* of the *mohauls* for which they may engage.

In conquered provinces likewise, renewed leases to be granted pending the present settlement for a term of years subsequent to its expiration.

Cases wherein the final settlement of estates shall after revision, be postponed until the expiration of the current leases.

Rules applicable to such cases.

The same rules applicable to estates in Goruckpore, Azimghur, Putaspore, &c. as they may become open to re-settlement.

Waste lands may be disposed of by Government, under what conditions.

Detailed investigations to be prosecuted by collectors and other officers making or revising settlements.

Proceedings to embrace what particulars.

*Fourth.* In like manner it shall and may be lawful for collectors in the conquered provinces and in the province of Bundelcund, to grant renewed leases for a further term of years subsequent to the expiration of the existing settlement, subject to the same rules, restrictions, and provisions, as are enacted in the preceding clauses relatively to the *ceded* provinces.

*Fifth.* If any *zemindar* or other *sudder malguzar*, the settlement of whose estate may be revised under the above rules, shall refuse to enter into suitable engagements for a further period beyond the term of the then current lease, or if after such revision, the revenue authorities shall under any other circumstances deem it expedient to postpone taking further engagements for the payment of the revenue of any *mohauls* until the expiration of the current leases, it shall be competent to them to do so; and in such case, the several rules contained in Section 3. of this regulation relative to estates of which the settlement will expire with the present year, shall on the expiration of the said leases be and be held applicable to such *mohauls*.

*Sixth.* The same rules shall also be applicable to the several *mohauls* within the district of Goruckpore, the *chulak* Azimghur, the *pergunnah* Putaspore and its dependencies, as they may respectively become, or be declared open for re-settlement.

VIII. Where the waste land belonging to or adjoining any *mohaul*, is very extensive, so as considerably to exceed the quantity required for pasture or otherwise usefully appropriated, it shall be competent to the revenue officers to grant leases for the same, to any persons who may be willing to undertake the cultivation, in perpetuity, or for such periods as the Governor General in Council shall determine; and to assign to the *zemindars* or others who may establish a right of property in the lands so granted, an allowance equivalent to ten per cent. on the amount payable to Government by the lessees, in lieu and bar of all claims to or in the waste lands so granted, or such other perquisites or privileges as by the custom of the country they may appear in such cases entitled to receive.

IX. *First.* It shall be the duty of collectors and other officers exercising the powers of collectors, on the occasion of making or revising settlements of the land revenue, to unite with the adjustment of the assessment and the investigation of the extent and produce of the lands, the object of ascertaining and recording the fullest possible information in regard to landed tenures, the rights, interests, and privileges of the various classes of the agricultural community. For this purpose, their proceedings shall embrace the formation of as accurate a record as possible, of all local usages connected with landed tenures, as full as practicable a specification of all persons enjoying the possession and property of the soil, or vested with any heritable or transferable interest in the land or the rents of it, care being taken to distinguish the different modes of possession and property, and the real nature and extent of the interests held, more especially where several persons may hold interests in the same subject matter of different kinds or degrees. This record shall in *putteedars bhyackara* villages or the like, include an accurate register of all the coparceners, not merely the heads of divisions, such as the *puttees*, *thokes*, or *bahrees*, but also as far as possible of every person who occupies land, disposes of its produce, or receives rent as proprietor, or as agent for one or more proprietors holding land and disposing of its produce or receiving the rents of it in common, with a detailed statement of the interior arrangements adopted by the brotherhood, for the distribution of the profits derived from sources common to the coparcenency where any such exist, and for determining the share of the Government *jumma*, and of the village expenses which each parcener is to contribute, or the other modes in which the engaging parcener or intermediate *putteedars* and *behreedars* collect from the cultivators. A record shall likewise be formed of the rates per *beegha* of each description of land or kind of produce, demandable from the resident cultivators, not claiming any transferable property in the soil, whether possessing the right of hereditary occupancy or not,

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and the respective shares of the *sudder malgusar* or other manager and the cultivator, in lands cultivated under *kunknot*, *bataie*, or similar engagements, with a distinct specification of all cesses or extra collections made by the *malgusar* or village manager or others. The names of all the village *putwarees* and village watchmen shall also be registered, with a statement of the amount and nature of the allowances assigned to them. And all *lakheraj* tenures shall be carefully recorded, with a specification of the nature of the tenure. The information collected on the above points shall be so arranged and recorded, as to admit of an immediate reference hereafter by the courts of judicature; it being understood and declared, that all decisions on the demands of the *semindars* shall hereafter be regulated by the *malgusar* of rent and modes of payment avowed and ascertained at the settlement, and recorded in the collector's proceedings, until distinctly altered by mutual agreement, or after full investigation in a regular suit: and all cesses or collections not avowed and sanctioned, nor taken into account in fixing the Government *jumma*, shall be held illegal and unauthorized, unless now or hereafter specially sanctioned by Government.

How far to be binding on the courts of judicature.

What cesses or collections to be held illegal.

**Second.** Provided also, that it shall be competent to collectors and other officers as aforesaid (subject to the orders of the Board of Commissioners) to grant *pottahs* to the several *mofussil semindars* and *ryots*, or other owners or occupants of land, for the land owned or occupied by them, specifying the amount to be paid by them, and all the conditions attaching to their tenure, and a register of all *pottahs* so granted shall form a part of the *roobakaree* of settlement.

Collectors and other officers making settlement may grant *pottahs* to *mofussil semindars* and *ryots*.

**Third.** Provided, however, that if from the number of estates, of which the leases may at once expire in any district, or from any other special cause, it shall be found necessary for the security of the Government revenue, to take engagements from any *semindar*, *malgusar*, or farmer, without completing the detailed inquiries above directed, it shall be competent to the Boards of Revenue, or other authority exercising the powers of such a Board, to cause engagements for the revenue to be taken in the manner heretofore in use, reporting the circumstance to the Governor General in Council: but the term of the engagements so taken shall not exceed five years, and the rules relative to the revision of the settlements of *mohauls*, of which the existing leases have been extended under the provisions of Section 2. of this regulation, shall be equally applicable to estates for which such engagements shall be taken.

In what case engagements for the revenue may be taken as heretofore, without a detailed *mofussil* settlement.

Such engagements not to be granted for a term exceeding five years, nor to bar an intermediate revision.

**X. First.** Of several parties possessing separate heritable and transferable properties in any parcel of land, or in the produce or rent thereof: such properties consisting of interests of different kinds: it shall be competent to the Governor General in Council to determine and direct which of such parties shall be admitted to engage for the payment of the Government revenue; due provision being made for securing the rights of the remaining parties. It is further hereby declared and enacted, that it is and shall be competent to the Governor General in Council, in confirming the settlement of any *mohaul* in perpetuity or for a term of years, to determine and prescribe the manner and proportion in which the net rent or profit arising out of the limitation of the Government demand, shall be distributed among the different parties possessing an interest in the lands appertaining to such *mohaul*, or in the rent or produce of such lands or *mohaul*.

In cases where several persons holding interests of different kinds may have separate properties in the same land, Government may determine which of such parties shall be admitted to engage for the public revenue.

Provision to be made for the remaining parties.

Government will also determine the manner and proportion in which the net rent or profit arising out of the limitation of the public demand, shall be distributed among the different parties possessing properties in lands settled in perpetuity or for a term of years.

**Second.** In cases wherein any land appertaining to a *mohaul* hitherto recognized as the *talooka*, *semindaree*, or the like of one or more *sudder malgusars*, may be owned or occupied by other persons holding under the *sudder malgusar*, and possessing an heritable and transferable property therein, or a hereditary right of occupancy subject to the payment of a fixed rent, or of a rent determinable by a fixed principle, if the title of the said *sudder malgusar* to engage for the revenue be upheld, and generally in cases wherein the tenure of an intermediate *malgusar* or manager between the Government and the proprietors or hereditary occupants of the soil may be maintained, whether the Government revenue be collected from the *semindar*, *talookdar*, or other hereditary intermediate *malgusar*, or the *mohaul* be farmed or held *khas*, it shall be competent to the collector or other officer who may be employed in adjusting the *jumma* to be assessed on such *mohaul*, with the sanction of the Board previously obtained, and subject to the orders and direction of that authority, to make a *mofussil* settlement with each of the proprietors or occupants aforesaid, for the land possessed by him, and to grant such proprietors or occupants *pottahs* defining the

*Mofussil* settlements to be made in cases wherein the title of an intermediate manager between Government and the proprietors or hereditary occupants of the soil may be maintained.



the condition on which they are to hold their land, whether subordinate to the *sudder malguzar* or to the farmer or officer of Government employed in the *khas* management; and in all such cases, if engagements for the Government revenue of the *mohaul* be taken from the intermediate hereditary *malguzar*, the particulars of the *mofussil* settlement, when approved by the Board, shall be endorsed on the *potash* to be granted to the *sudder malguzar*, or shall be so incorporated with the engagement taken from him as to form part of the same.

Where several persons may hold a common property or properties subject to a common obligation.

The revenue officers may make a joint settlement with or in behalf of the parties collectively, or of a majority of them. Or may select one or more to manage the *mohaul* as *sudder malguzars*.

When a joint settlement is to be made, parties how to be summoned.

Persons wilfully failing to attend when summoned, to be bound by decision of the majority who may attend, and to be responsible for the revenue agreed to.

Unless otherwise specially provided.

In cases in which any of the parceners object to the *jumma* assessed, the engaging parceners shall be deemed to be farmers of the revenue of the lands belonging to the recusants, if their engagements extend to such lands.

Proprietors cultivating lands of which the revenue may be collected *khas* or farmed, at what rates to pay rent.

When the settlement of a *mohaul* held in common tenancy or subject to common obligation, shall be made with one or more of the parceners selected as manager or *sudder malguzar*, on what

*Third.* In cases in which two or more persons may possess a joint property in any village, *mohaul*, or parcel of land, or in the rent or produce of any village, *mohaul*, or land, or in any part of such village, *mohaul*, land, rent, or produce, the property of such persons consisting of interests of the same kind, whether of the same extent or otherwise, as well as in cases wherein such property in any *mohaul*, village, land, produce, or rent, may be separately possessed by parties subject by prescriptive usage to common obligations, whether existing or contingent, it shall be competent to the collector or other officer exercising the powers of collector, subject to the orders and direction of the Board and of the Governor General in Council, either to make a joint settlement with the parties collectively, or a majority of them, or with an agent appointed by them, or a majority of them, or to select one or more of them to undertake the management of the *mohaul* as *sudder malguzars*, due advertence being had to the wishes of all the coparceners, and to the past custom of the village or villages comprized in the *mohaul*.

*Fourth.* When it shall be determined to make a joint settlement for any village, *mohaul*, or parcel of land, with the parties possessing therein a joint property as aforesaid, the collector or other officer making the settlement shall give notice of his intention by a written proclamation to be stuck up in some public place within the village, *mohaul*, or land, and shall require all persons possessing therein a property as aforesaid, to attend, either in person or by representative duly authorized in the matter, within a reasonable period, at a stated place and time, and to declare their agreement or non-agreement to the *jumma* proposed to be assessed on the village or land.

*Fifth.* If any person or persons, when summoned as above, shall refuse, neglect, or omit to attend, either in person or by representative, such person or persons shall be held to be bound by the decision of the majority of those who may attend in agreeing or disagreeing to the *jumma*, and his or their interests and estate shall, unless otherwise specially allowed, be held responsible for the Government revenue, and be liable to sale in the event of any arrear accruing on account of the settlement.

*Sixth.* If any person or persons shall attend, and shall object to the *jumma* proposed to be assessed, then should a settlement be made with the other parties present, the objecting parties shall be left in the enjoyment of the same rights and interests, as they would enjoy in the event of the *mohaul* being farmed or held *khas*: and in so far as regards the lands, to which such rights and interests attach, the other parceners, if their engagements be extended thereto, shall be considered farmers of the Government revenue, to hold the same under leases of such term as may be determined and agreed upon under the general rules applicable to lands for which the proprietors may refuse to engage.

*Seventh.* When any *mohaul* or portion of a *mohaul* held by a number of cultivating proprietors in *putteedares* or *dhyachara* tenure or the like, shall be let in farm or held *khas*, the rent demandable from the proprietors of such *mohaul* or portion of *mohaul* on account of the land occupied and cultivated by themselves, shall be adjusted by the rates payable by *ryots* or other resident cultivators not having a heritable and transferable property in the soil, for lands of a similar description in the same or in the adjoining villages, with a deduction of five per cent. on account of *malikana*, or such other rate, not being less than five per cent. as Government may determine.

*Eighth.* When it shall be determined to make a settlement of a *mohaul* of the above description with one or more of the parceners selected to manage, collect, and account for the public revenue as *sudder malguzar*, then and in that case, the interests of the non-engaging parceners shall not be held answerable for the default of the *sudder malguzars*, save and except in so far as may be specifically provided. Such parceners shall, until regularly separated, continue to hold their lands as subordinate proprietors, subject to the

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the payment of rent or revenue to the *sudder malguzar*, at the rates and in the mode heretofore in use, excepting in so far as that usage may be affected by the determination of Government in regard to the distribution of the net rent or profit derived from the limitation of the Government demand, or by the rules now in force, or hereafter to be enacted, for vesting the *sudder malguzars* with specific powers over the subordinate tenants in the collection of the rent or revenue demandable from them. The responsibility attaching to the persons selected as *sudder malguzars*, and the conditions under which they are to hold that title of management, will in each case, be specifically declared at or after the time when the settlement is confirmed. The conditions and limitations under which the subordinate proprietors shall be admitted to separate engagements, will also be similarly declared.

terms the other parcners are to hold.

Nature and conditions of the *sudder malguzars'* tenures to be declared.

**Ninth.** Provided further, that in all cases wherein different parcels of land belonging to any *mohaul* may be separately owned and occupied by different proprietors, or by different bodies of proprietors, it shall be competent to the Boards of Revenue, or other authority exercising the powers of that Board, to cause a separate settlement to be made for the land owned and occupied by each proprietor, or by each body of proprietors, and each parcel of land for which a separate settlement may be so made, shall be held exclusively responsible for the revenue assessed upon it. Provided also, that if the several parties possessing a joint property or separate properties subject to a common obligation as aforesaid, or any of them, shall apply to a collector or other officer making or revising a settlement, to have separate possession of their several share or shares in such joint property, or to be admitted to separate engagements, it shall be competent to such collector or other officer, with the sanction of the Board, or other authority to which he may be subordinate, to make a partition of the property among the different parties according to their respective interests, and to make a separate settlement with each of them, or with such as may desire to enter into separate engagements.

Lands separately owned and occupied, though hitherto held as one *mohaul*, may be separately settled.

Joint properties, or properties subject to a joint obligation, in what cases to be divided.

**Tenth.** In all cases wherein any proprietors may be excluded from engagements, the collector shall be careful to let it be known, that all persons possessing a property in the *mohaul* are entitled to have their names recorded in the *roobakaree* of settlement, with the amount or rate of the assessment demandable from each.

Proprietors though excluded from engagements may have their names registered.

**XI. First.** The collector's proceedings in forming the registry above directed, shall be founded on the basis of actual possession, and that officer shall in every instance, be careful to record the precise nature of the authority on which the entries in his books may be made. In conformity with the above principle, it shall be competent to the collectors or other officers when making or revising settlements, or otherwise deputed to investigate and determine the circumstances of any *mohaul*, and the nature of the tenures connected with it, to correct the errors or omissions of former settlements by admitting to engagements, or entering on the public records the names of persons found in the *bond fid.* possession of land, or in the receipt of rent under a proprietary title, and in such cases, the collector will hold an official proceeding, explaining fully the grounds on which he may act.

Collectors forming such registry to proceed on the basis of actual possession.

**XII. First.** In cases in which the proportion of the Government *jumma* and village expenses payable by each proprietor and by each body of proprietors comprised in the several *puttees*, *behrees*, and other divisions of an estate held under *putteedaree* or *bhyachara* tenure or the like, may have been originally fixed on a measurement of the lands occupied by each, with reference to the quantity in cultivation, and may be liable by the usage of the country to periodical adjustment on the same principle, if the collector or other officers making or revising the settlement shall be satisfied, by examination of the *putwarees'* accounts or otherwise, that the contributions paid by any proprietor or body of proprietors as aforesaid, are materially in excess of the amount justly demandable from them, it shall be competent to him, with the previous sanction of the Board, to cause a new distribution to be made of the revenue and charges payable by each, with reference to the above principle, and to such resolutions as Government may have passed relative to the apportionment of the net rent or profits arising out of the limitation of the Government demand, and in the performance of this duty to employ the *canoongoes*, and such person or persons as he may judge it advisable to appoint, and to settle the *jumma* payable by the different parties according to the award of such person or persons, or otherwise, as shall appear to be just and equitable.

In estates held under *putteedaree*, *bhyachara*, or the like tenure, collectors may, in certain cases, make a fresh allotment of the revenue and charges payable by the several parcners.

*Second.*



And in certain cases may make a fresh partition of the land.

Cases wherein parties affected by collector's decision may contest it in the *adawlut*.

On what points decision of revenue officers to be conclusive.

Collectors shall not disturb possession, unless specially authorized.

Collectors making or revising settlements may declare the nature and extent of interests possessed by persons occupying land.

Where lands held in *putteedaree*, *bhyachara*, or the like tenure, collectors may decide disputes as to the extent of interest belonging to any parcener, and may enforce his decision.

Subject to an appeal to the *adawlut*.

Collectors shall not under the above rule take cognizance of claims to larger profits or more land than claimant may have hitherto enjoyed or held.

Decision of revenue officers to be maintained by courts, unless proved to be wrong in a regular suit.

Courts not to interfere with apportionment of

*Second.* In like manner in cases in which the several proprietors shall be entitled, not only to an adjustment from time to time of the *jumma* payable on account of the lands occupied by them, but likewise to a periodical partition of the lands of the village with reference to the share recorded as belonging to each, it shall be competent to the collector to cause a fresh partition of the lands and adjustment of the *jumma* to be made as above prescribed, and at the same time to fix and declare the period from which the arrangement finally settled is to have effect, and to adjust the claims of the parties relative to the revenue intermediately paid by them as may appear equitable. Provided however, that no such partition or adjustment shall be final, until confirmed by the Board of Commissioners, or other authority exercising the powers of that Board: provided also, that if any parties shall dispute the existence of the usage under which the partition of the lands shall have been made, and shall claim to be restored to possession of the lands which the collector may have transferred to another, or shall consider himself entitled to the benefit of a new partition of the lands comprised in the *mohaul* to which he may belong in any case in which the collector may have refused to order it, it shall be competent to the said party to bring a regular suit in the *sillah* court against the person or persons to whom the lands may have been transferred, or the person or persons who may resist the partition, to try the justness of the collector's decision; but if the existence of the usage shall be admitted or established, it shall not be competent to the courts of judicature to question the accuracy of the partition of the land or adjustment of the *jumma*, and whenever the decision of a collector for the partition of any land shall be set aside, it will of course belong to the revenue authorities to readjust the *jumma* with reference to the interests of the parties as defined and settled by the final decision of the courts of judicature, and to the conditions of the tenure, and to any general or special resolution of Government relative to the distribution of the net rent or profit arising out of the limitation of the public assessment.

XIII. Collectors and other officers exercising the powers of collectors shall not, unless where specially authorized in the manner prescribed in this or some other regulation, do any act tending to disturb possession, but shall leave the *adawlut* to investigate in a regular suit all claims of persons not in possession, but deeming themselves entitled to be so.

XIV. *First.* Collectors making or revising settlements shall, in cases in which any dispute may exist in regard to the nature of the tenure of any person occupying the soil, be competent to declare, in an official proceeding to be incorporated in the *roobakaree* of settlement, the nature and extent of the interests actually possessed by such occupant, referring to the denomination heretofore applied to him only as one means of proof in regard to the nature of the interests, but stating at length, with specification of any examination he may take for his satisfaction, the grounds of his determination; so also in cases of dispute regarding the extent of the interest belonging to any sharer in a village or villages held under *putteedaree*, *bhyachara*, or the like tenure, such sharer having actual possession of a portion of such village or villages, or being in the actual receipt as proprietor of a share of the joint profits of the land, it shall be competent to the collector to decide the point in the first instance in his *roobakaree* of settlement, and to enforce his decision, leaving the party who may deem himself aggrieved to seek redress by a regular suit in the courts to try the right; but nothing herein contained shall be construed to authorize the courts to interfere with the decision of the collector in regard to the amount or proportion of *jumma* to be assessed on any parcel of land, or in respect to the quantity and description of land, to be assigned in partition to the holder of any specific share of a joint estate.

*Second.* The above rule shall not be construed to empower collectors, unless otherwise authorized, to take cognizance of any claim to receive a larger portion of the common profit than the claimant has hitherto enjoyed, or to hold a larger portion of the village or villages than he has hitherto occupied.

*Third.* The decisions passed by the collectors under the above powers, if not altered or annulled by the Board or by Government, shall be maintained by the courts, unless on investigation in a regular suit it shall appear, that the possession held under such a decision is wrongful; and nothing herein contained shall be understood to authorize any court to interfere with the decision of the revenue authorities relative to the *jumma* to be assessed on any *mohaul* or portion of a *mohaul*, or to the extent and description of lands belonging to

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any *mohaul*, that may be assigned on the partition of the same to the several parceners *jumma* or allotment of land made by collectors, concerned.

**Fourth.** If any person shall complain to a collector or other officer making or revising the settlement of any *mohaul*, that he has been wrongfully dispossessed from any lands, premises, crops, orchards, pasture grounds, fisheries, wells, water courses, tanks, reservoirs, or the like, within such *mohaul*, or of the rents, produce, or profits of such lands, premises, &c. the like as aforesaid, or that he has been wrongfully disturbed in the possession thereof, it shall be competent to the collector or other officer aforesaid, to inquire into the matter, and if the party so complaining shall appear to have been in possession in the year preceding that in which the complaint is brought, and there shall otherwise be reason to believe, that he has been violently or wrongfully dispossessed or disturbed, it shall be competent to the collector to restore or confirm him, recording the grounds of his determination in a *roohukaree*, and the opposite party shall in such case be left to bring a regular suit in court to try the question of right. In like manner should a collector or other officer as aforesaid, find that there exist in any *mohaul* of which he may be making or revising the settlement, any disputes relative to the possession of lands, premises, or the like, which it may be expedient to adjust, it shall be competent to the collector or other officer aforesaid to pass a decision determining the point of possession, leaving the question of right, if further disputed, to be settled by the result of a regular suit in the *adawlut*.

excepting where the principle of collector's decision may be at variance with decrees.

In what cases collectors to take cognizance of complaints of wrongful dispossession.

Subject to an appeal to the *adawlut*.

**Fifth.** The above provisions shall be held to apply to all cases in which a *seminlar* or under-tenant, whether farmer or *ryot*, having by special deed or prescriptive title a right of occupancy, shall have been wrongfully ousted from the occupancy of lands held and cultivated by him in the preceding year, or in which the rents or profits of any land which were received by such dispossessed party in the preceding year, shall be withheld from him, without a legal award or a voluntary act of the party involving the transfer, renunciation, or relinquishment of such rents and profits. But the above rule shall not apply to any case in which the complaining party may have executed any deed, purporting to be a relinquishment of possession, unless it shall have been established by some judicial proceeding, that such deed was extorted by force and terror, nor to any cases wherein the complainant shall have in any way lost or relinquished possession previously to the commencement of the year preceding that in which the complaint may be preferred.

The above provisions to what cases to apply.

To what cases the rule shall not apply.

**XV.** In the settlement of any resumed *mohaul* held, or pretended to be held under *sun-nuds* from the ruling power, or from the *amils* or other officers of the Government, whether such lands shall have been heretofore subject to the payment of revenue or otherwise, it shall be competent to the collector or other officer making the settlement to hear, try, and determine all claims to the property and possession of the land comprising such *mohaul*, or the rents or produce thereof, any thing in the existing regulations notwithstanding, and subject to the orders and direction of the Board of Revenue, or other authority exercising the powers of that Board, to give possession to, and conclude a settlement with the party, who may appear to have the best title, leaving other claimants to establish their claims by a regular suit in the *zillah* or provincial court, by which, according to the value of the interest at stake, all decisions passed by the revenue authorities under this section may on such suit being fully heard, sued, and determined, and not otherwise, be revised, annulled, or altered. The above rule shall not extend to lands held free of assessment under grants made by, or at the request of the proprietors themselves, or their representatives, the settlement of which shall ordinarily be made with the parties in possession, if willing to engage on adequate terms.

In settling resumed *lakheraj* lands, collectors may take cognizance of claims to the property therein.

And may give possession to parties appearing to have the best title.

Subject to an appeal to the *adawlut* by a regular suit.

The above rule not to extend to lands held under grants made by, or at the request of proprietors.

**XVI.** It shall be competent to the Governor General in Council to grant to a collector making or revising the settlement of any *mohaul*, whether the same may have been held by a *lakheraj* tenure resumed, or being *malguzaree*, may have become open to resettlement in ordinary course, special authority to hear, try, and determine as above, all claims to the property and possession of the lands lying within such *mohaul*, or the rent or produce thereof, and to give possession to the party who may appear to have the best title, subject to the orders and direction of the Board, and further subject, as above, to the revision of the *zillah* or provincial court on a regular suit: provided also that whenever special authority may be given to any collector as aforesaid, notice of the order of Government shall be published by a proclamation within the *mohauls*, to which the authority so given may extend;

Governor General in Council may grant to collectors making or revising settlements, special authority to take cognizance of claims to the property and possession of land.

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and it shall be the duty of the collectors and the Boards to see that such proclamation is duly made. But no decision passed by a collector under this or any other section whereby such notification is required, shall be disturbed by any court of judicature, otherwise than after a full and regular investigation of merits on the plea that proclamation was not made.

Collectors making or revising settlements, in what cases to take cognizance of claims to property in lands held *lakheraj* or at a *mocurrere jumma*, under valid tenures, and to make a settlement with the proprietors on behalf of the *lakherajdar* or *mocurrereedar*.

Proviso, that an appeal to the *adawlut* shall lie on the question of right of property.

Collectors to be the judges as to the question of jurisdiction.

Collectors authorized to summon witnesses and require production of accounts.

To examine on oath, or *hulu/ynamah*.

Proviso, that persons shall not be examined on oath on questions immediately touching their own interests.

Rules of Regulation II. 1819, applicable to processes issued by collectors under this regulation. Also to *putwarees* and others summoned or examined in cases cognizable under this regulation.

**XVII.** It shall be competent to collectors and other officers engaged in making or revising the settlement of any *pergunnah*, *mouzah*, or other local division, on the application of persons claiming a right of property in lands held free of assessment, or at a *mocurrere jumma*, under unquestioned grants from the ruling power, or from the *amil*, or other officers of Government, and situated within, or adjoining to such *pergunnah*, *mouzah*, or other local division, to receive, try, and determine the claim; and if satisfied that the applicants do possess, or are entitled to possess a hereditary and transferable property in the land or the produce or rent thereof, the collector or other officer, with the sanction of Government previously obtained, shall be authorized to conclude a settlement with them on behalf of the *lakherajdar* or *mocurrereedar*, for such period as the Governor General in Council may direct, and shall grant to each of the said proprietors *pottahs*, defining the conditions on which they are to hold their lands, subordinate to the *lakherajdar* or *mocurrereedar*. It shall further be competent to the collector, under the orders of the Board of Commissioners, to fix and declare the amount of *malikanah* or other proprietary allowance to be paid by such *lakherajdars* or *mocurrereedars* to the said proprietors, in the event of their being divested of the occupancy and management of their lands: provided however, that either party who may be dissatisfied with the decision of the collector as to the question of the right of property, shall be at liberty to contest the same in a regular suit in the *adawlut*; but the courts shall not interfere to alter the terms on which the settlement may have been made by the collector with proprietors, or the amount of *malikanah* granted to such persons.

**XVIII.** The collector shall in cases of doubt be the judge of the question of jurisdiction, subject to the orders of the Board and of Government, and the courts of judicature shall not disturb possession given by the collector, except on a regular suit, and on a decision as to the right.

**XIX. First.** It shall be competent to collectors, when prosecuting the above inquiries or hearing and trying the above suits or otherwise, when authorized in that behalf by the Board to which they may be subordinate, to require all *sudder malguzars* and other persons owning, occupying, managing, or cultivating any lands within or in the vicinity of the *mohaul* to which their inquiries may extend, or gathering or disposing of the produce thereof, or collecting, enjoying, or appropriating any rent or revenue derived therefrom, as well as the *gomashdahs* or other agents employed by such persons in the management or cultivation of the land, or in the collection of the rent, produce, or revenue thereof, to attend and produce all accounts or other papers which they may respectively possess relative to such lands, produce, rent, or revenue, and to examine the said persons on oath, or *hulu/ynamah*, to the truth of the accounts produced, or on any other matter relating to such accounts, or regarding the lands, produce, rent, or revenue of the *mohaul*, or the rights and interests attaching to such lands, produce, rent, or revenue: provided however that no person shall be compelled to answer on oath or solemn declaration, any interrogation regarding matters wherein he may have an immediate personal interest in concealing the truth, or in uttering what is false, not being an interest arising out of fear, favour, or reward, or any corrupt bargain or agreement with another party.

**Second.** The rules contained in Section 11, Regulation II. 1819, relative to the mode of serving process on persons who may be required to attend and produce accounts under the provisions of that regulation, shall be and be held applicable to processes issued by collectors or other officers under the rules contained in this regulation. In like manner the provisions of Sections 12. of the said regulation shall be applicable to all *putwarees*, *gomashdahs*, or other persons, by whom the accounts of any lands regarding which the said inquiries may have been instituted may be kept, and who, after being duly summoned as aforesaid, may neglect or omit to produce any of the accounts required from them, or to give their evidence regarding them, or who may deliberately give a false deposition on oath or solemn declaration when summoned and examined as aforesaid, or who may alter, fabricate, falsify, or mutilate the accounts which they may be required to produce: provided further that collec-

tors and other officers employed in the settlement of the land revenue, or in any of the inquiries specified in this regulation, shall be vested with all the powers and authority which are or may be lawfully exercised by collectors in cases depending before them under Regulation II. 1819, and the rules contained in clause third, Sections 13, 14, and 19. of the said regulation, shall be and be held applicable to all persons who may be summoned by any collector or other officer aforesaid, or who may resist the process of a collector issued under the rules of this regulation, or who may refuse to take an oath or subscribe a solemn declaration when required, or who may deliberately give a false deposition on oath, or under a solemn declaration taken instead of an oath, or may cause or procure another to do so.

XX. *First.* The powers specified in Sections 11, 12, 14, 16, 17, 18, and 19. of this regulation, shall be ordinarily exercised by collectors when employed in making or revising settlements of the land revenue, and shall extend to all the lands comprized in the *pergunnah* in which he may be so employed; but it shall be competent to the Government by an order in Council, to be publicly proclaimed in the district, to restrict the authority of collectors and other officers making settlements in such manner, and to such extent, as he may, from time to time, judge expedient. In like manner it shall be competent to Government to vest such collectors as may, from time to time, be judged fit, with a special authority to receive, try, and determine in the first instance, subject to a regular suit in the *adawlut* as above provided, all or any of the questions of the nature specified in the aforesaid sections, though the said collectors may not be engaged in making or revising a settlement of the land revenue; and to vest in such of the collectors as may be thought proper, authority (either generally or within such limits as may be, from time to time, determined) to receive, try, and determine by summary process, all suits for rent which may be preferred by *zemindars*, *talookdars*, or other *sudder malguzars* or farmers of land, or by any person in their behalf, against any dependant *talookdar*, *zemindar*, under-renter, *ryot*, or other under-tenant of whatever denomination, as well as all applications by *ryots* and the under-tenants contesting the demand of a *sudder malguzar* or farmer, and all complaints preferred by *ryots* or other under-tenants of whatever description, against landholders or farmers of land, or their respective agents or representatives, on account of excessive demand or undue exaction of rent, whether levied by distraint or otherwise, as well as all suits relative to the adjustment of accounts between landholders and farmers of land or under-tenants of whatever description, with their sureties, or with any agents or persons employed by them in the management of land, or the collection or payment of the rent of land, and to all other matters immediately connected with the demand, receipt, or payment of the rent of land, whether *malguzaree* or *lakheraj*, or with the rent of orchards, pasture grounds, and fisheries, commonly denominated *phulkur*, *bunkur*, and *julkur*, or with any other asset of the land revenue, not included in the *sayer* abolished, together with all complaints of the non-delivery of *pottahs* when demandable under the regulations, or complaints of the prescribed receipts not being given for actual payment of the rent, and generally complaints of any deviation from the regulations, or from the established usage of the country relative to the matters aforesaid, or any violation of subsisting engagements in disputes respecting the rent and occupancy of land, between landholders or farmers of land, and their under-tenants of whatever denomination.

*Second.* The appointment of the collector to the discharge of the above duties, and the extent of the jurisdiction to be assigned to him, shall be notified by proclamation in the district, after such manner as the Governor General in Council may direct; and after the publication of such notice, all summary suits, actions, applications, and complaints of the above nature, and referring to lands or the rents, produce, or accessions of land lying within the jurisdiction assigned to the collector as above, which may be preferred in the *zillah* or city *adawlut* by any *sudder malguzar*, *zemindar*, *talookdar*, farmer, *ryot*, or other proprietor or under-tenant of land, shall, immediately on being received, be referred for trial to the collector, to whom also all such summary suits depending at the time shall be transferred: provided also that in such cases, parties having suits or complaints to prefer of which the cognizance may be vested as above in the collector, shall be at liberty to prefer them to that officer in the first instance. It shall in like manner be competent to the Governor General to fix by an order in Council, the period at which the special powers given as above to a collector, and the authority to be ordinarily exercised by those officers on the occasion of making settlements, shall cease and determine.

And to all other persons upon whom process may be issued.

Powers specified in Sections 11, 12, 14, 16, 17, 18, and 19, to be ordinarily vested in collectors making or revising settlements.

But Governor General in Council may restrict powers to be exercised on any particular occasion.

Like powers may be specially vested in collectors, though not engaged in making or revising settlements.

Collectors may be similarly vested with special powers to try all suits regarding rent,

#### Or exaction of rent,

The adjustment of accounts between landlord and tenant, their sureties and agents, and touching all matters connected with land, the rents or produce of land, the delivery of *pottahs*, the violation of engagements, and generally all disputes between *sudder malguzars*, and farmers and their tenants.

Appointment of collector to exercise the above duties how to be notified.

Governor General may fix by proclamation period for which collectors are to exercise judicial powers under this regulation.

Collectors shall not take cognizance of complaints specified in preceding clauses, unless preferred within one year.

Collectors by what rules of practice to be guided, and what processes to issue.

**Third.** No complaint or application of the nature specified in the preceding clauses, shall be received by a collector under the rules of this regulation, unless the plaint or application shall have been preferred within the period of one year after the cause of action shall have arisen.

**XXI.** In summary suits for rents and the like, wherein special rules have been prescribed for regulating the process of the courts, the collectors shall be guided by the same rules, and shall exercise the same powers and authority as are or may be lawfully exercised by the *zillah* and city judges. In other cases falling under their cognizance, according to the provisions of this regulation, the ordinary process for securing the attendance of the defendant or party otherwise impleaded, shall be to issue a notice reciting the matter, and requiring the defendant or other party to attend in person or by representative, at such time and place as may be made choice of by the collector for conducting the investigation: should any party fail to attend after being served with a notice of the above description, or should the return of the *naxir* or person employed to serve the notice be, that after diligent search the party or parties cannot be found, proclamation shall be made in writing to be stuck up at or near the ordinary residence of the party, stating that after fifteen days from the date of publishing the same, the case will be liable to be brought up for trial and judgment, and any party implicated who, having been served with the notice above described, shall fail to attend, or who shall continue to absent himself, will be as much bound by the judgment that may be passed, as if he or they had been in attendance to plead.

Sections 18. and 19, Regulation VIII. 1819, extended, and declared applicable to cases tried by collectors under this regulation.

**XXII.** Sections 18. and 19, Regulation VIII. 1819, are hereby extended to all the provinces immediately subject to the presidency of Fort William. and the provisions of the said sections shall be applicable to the proceedings of collectors held under this regulation: provided however, that whenever it shall be desired to apprehend a defaulter residing out of the jurisdiction of the collector by whom the suit relative to the alleged arrear may be cognizable, the process of arrest shall be served through the judge of the district where the alleged defaulter may reside.

Collectors's *cutcherree* shall be held a court of civil judicature: and his decisions shall be deemed to be judicial awards.

**XXIII. First.** It is hereby declared and enacted, that in so far as concerns the summoning and examination of witnesses, the penalties for false testimony, for resistance of process, contempts, and all other similar matters, connected with cases under cognizance before the collectors of land revenue, or other officer, by virtue of the powers vested in them by this regulation, or any other regulation, whereby collectors are vested with judicial powers, their *cutcherree* or office for the time being shall be deemed and held to be a court of civil judicature.

**Second.** Provided also, that the regular suits which may be brought to contest decisions passed by collectors, under the powers vested in them by Sections 11, 12, 14, 15, 16, 17, 18, 19, and 20, shall be of the nature of an appeal to court in its regular jurisdiction from a summary award. It shall not therefore be necessary for the collector or other officer of Government to be a party in the action.

Collectors authorized to execute awards made by them.

**Third.** Collectors of the land revenue are hereby empowered to execute all awards made by them under the rules of this regulation, in cases wherein a specific sum of money shall be adjusted to be due, or any costs or damages be awarded; the collector decreeing the same shall proceed to levy the amount for the party in whose favour it may be adjudged by the process in use for the recovery of arrears of the Government revenue: provided however, that he shall not sell any lands, houses, or other real property in satisfaction of any judgment passed in favour of any individual, on a summary inquiry. In cases wherein possession of lands, houses, watercourses, or the like may be adjudged, it may and shall be lawful for the collector making award, to deliver over possession in the same manner and with the same powers in regard to all contempts, resistance, and the like, as are or may be lawfully exercised by the courts in giving possession to an auction purchaser: and the *zillah* or city *adawlut*s shall support the collectors in the exercise of the above power, and shall give effect to any orders passed by them in pursuance of it, in the like manner as if the same had been passed by themselves. Collectors are further hereby empowered to place one or more *peons*, *mirdahs*, *suwars*, or the like, to aid in the maintenance of possession for the party to whom it may be awarded, in case of his deeming such a measure necessary or expedient.

## A. D. 1822. REGULATION VII.

**XXIV. First.** It shall and may be lawful for a collector or other officer exercising the powers of collector, preparatory to making or revising a settlement as aforesaid, to depute any *tehsildar*, *canoongoe*, *ameen*, or other fixed or temporary officer, to any village or *mohaul*, whether the same be managed by a *xemindar* or farmer, or be held *khas*, to inquire into the various matters which such collector or other officer is required or empowered to investigate, in order to form a settlement in the mode prescribed by this regulation. Any such native officer so deputed as above, shall be deemed to be vested with the power of summoning and examining *putwarees*, *gomashtahs*, or other persons by whom the accounts of the village or *mohaul* may be kept, in the same manner and with the same powers as is provided for officers deputed under Section 25, Regulation XII. 1817. Furthermore, in case the collector or other officer may so prescribe, the said *tehsildar*, or other person shall be empowered to make a measurement of the village or *mohaul*, into which they may be deputed, and to summon any *mocuddums*, *pudhans*, *ryots*, or other residents, and to call upon them to point out the boundaries of such village or *mohaul*, and to furnish information as to all matters relating to the land and the rights and interest attaching thereto: and any person contumaciously withholding information from an officer deputed as aforesaid, shall be liable, on the same being established to the collector's satisfaction, to the same penalty as is prescribed for *putwarees* refusing to attend or give evidence.

Collectors authorized to depute native officers to make inquiries preparatory to settlement.

**Second.** Provided also, that any person who may, by force or threats, obstruct or resist the execution of any legal process, requisition, or order of a collector or other revenue officer shall, in addition to the penalties prescribed by the existing regulations for such act, be liable to a fine not exceeding two hundred rupees, or to imprisonment in the *dewanny* jail for a period not exceeding two months; the said fine or other penalty to be adjudged by the collector after proceeding duly held and recorded, and the sentence to be immediately reported to the Board to which he may be subject.

Resistance or obstruction of the process or order of a collector, how punishable.

**Third.** Provided further, that all police officers shall aid and support the execution of all process and orders issued by a collector or other officer aforesaid, on the responsibility of the officer issuing or executing the same; and if any affray or breach of the peace shall occur in consequence of any resistance or obstruction being made or attempted to be made to the legal process or order of a collector or other revenue officer, the parties resisting or obstructing such process or order, shall be punishable for the affray or breach of the peace, and the revenue officers shall not be liable to any criminal prosecution on that account.

Police officers to aid and support the execution of process and orders of collector.

**XXV.** It shall be competent to the parties in all suits the cognizance of which is hereby vested in the collectors of revenue, to employ any agent, *vakeel*, or representative, whom they may think proper to appoint, to act and plead in their behalves, provided such agent, *vakeel*, or representative, be duly empowered by the parties. The rate of remuneration to such agent or *vakeel* shall be left to be adjusted between himself and his constituent, but no greater sum shall be awarded on this account for costs payable by the party against whom the judgment may be passed, than what may be deemed by the collector a fair equivalent for the attendance of such agent.

Parties in suits tried by collectors, may employ any *vakeels* or agents they think proper.

**XXVI.** No other pleadings shall be required from the parties in such suits, than a plaint and answer, provided that if the parties should, at any time, wish to file an amended plaint, or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.

What pleadings to be required.

**XXVII.** The *mooktarnamahs* or *vakalutnamahs*, and the pleadings and final decree in such suits, shall be written on stamp paper of the value of eight annas, whatever may be the amount of the suit, and no fees shall be taken on exhibits tendered in the cause, or for the witnesses required by the parties; nor shall it be necessary for the parties to present a written motion on stamp paper for the filing of such exhibits, or for the summoning of such witnesses.

Stamp paper to be used.

**XXVIII.** It shall be competent to the collectors to hear and determine such suits in whatever part of the district they may occasionally be or reside, provided that every hearing and decision be in public *cutcherry*, or in some other place open to the public, and in the presence of the parties or of their constituted agents or *vakeels*, if in attendance.

Collectors may try and determine suits in any part of their districts.

**XXIX. First.** The decisions of the collectors on all such suits shall be appealable to the Board of Revenue or other authority exercising the powers of that Board. The petition

Decisions how appealable to Boards.



tion of appeal shall be presented either to the collector or to the Board, at the option of the party, and shall be written on stamp paper of the value of two rupees, but no petition of appeal shall be received after the expiration of three months from the date of the decision, unless sufficient cause shall be shewn for the delay to the satisfaction of the Board. Provided also that the Board shall not be required in ordinary cases to go into a regular investigation of the merits, but shall be authorized to dismiss the appeal without further investigation, in all cases in which, on a consideration of the final *roobakaree* of the collector, they may not see ground to consider the decision of that officer to be unjust, erroneous, or doubtful, or his proceedings in the case irregular or imperfect: provided also that in all cases in which the collector may dismiss the suit for non-attendance, or on some other ground of default, without an investigation of the merits of the case, it shall be competent to the Board to direct a new trial, and in cases in which he may neglect or delay the investigation or decision of a suit without sufficient cause, it shall be competent to the Board to interfere, and to cause the collector to proceed upon the inquiry into, and determination of it.

Board how to proceed on such appeals.

In what cases Board may direct a new trial, or interpose to correct neglect or delay.

What pleadings to be required in appeals to Boards.

*Second.* No pleadings except the petition of appeal shall be required in such appeals, nor shall any fees be taken by the Board on the exhibits originally filed, or on any further documents which the Board may think it necessary to call for.

*Third.* If the parties choose to employ in the pleading of such appeals the same agents or *vakeels* who were previously employed by them in the original suit, no further *mooktar-namah* or *vaka/utnamah* shall be required of them.

Respondents to receive notice, but not to be required to appear.

*Fourth.* The respondent shall receive notice of the appeal, but shall not be compelled to appear in person or by *vakeel*, and the appeal shall be decided on the merits of the case, notwithstanding his absence, in the same manner as if he had attended.

Board's decision to be final as to the result of summary inquiry.

*Fifth.* The decision of the Board shall be final in as far as concerns the result of the summary inquiry of the collector, and shall be rendered in a Persian *roobakaree* written on stamp paper of the value of two rupees.

But decision of Board and collector may be contested by regular suit in *adaw/ut*.

*Sixth.* Any person however, dissatisfied with the summary judgment of the collector or the Board, and desirous of a more full and formal decision, shall be at liberty to prefer a regular suit to try the merits of the case in the *xillah* or other similar or superior court in which it may be cognizable. In such cases the summary judgment of the collector, if not reversed or staid by the Board, shall be carried into effect, notwithstanding the institution of the regular suit.

Parties having claims cognizable by collectors, and not wishing a summary trial, may in the first instance bring a regular action in the *adaw/ut*.

XXX. All persons having claims or complaints to prefer of the nature of those made cognizable by collectors under the provisions of this regulation, and not wishing to avail themselves of the summary process authorized in that court, shall be at liberty to institute their claims or complaints in the first instance by a regular suit before the local *moonsiff*, or in the *xillah* or city *adaw/ut*, or provincial court of the division, according as the suit may be cognizable in these courts respectively, under the general regulations for the administration of civil justice.

On appeal to a court against the decision of a collector, the proceedings held by that officer shall be called for and filed in the case.

XXXI. *First.* Whenever a regular suit may be instituted in the civil court, with a view to set aside or alter a summary judgment passed by a collector, the proceedings held on the summary inquiry shall be called for by precept from the court, and filed on the record of the case.

No such appeal cognizable by, or referrible to any register, *ameen*, or *moonsiff*.

*Second.* Provided also, that no such suit shall be cognizable by, or referrible to any register, *sudder ameen*, or *moonsiff*, and all registers, *sudder ameens*, and *moonsiffs*, shall in cases tried by them be held and bound by the decisions passed, and records prepared, by collectors or other revenue officers under the provisions of this regulation, unless the same shall have been rescinded or altered by the Board, or by the *xillah* or other similar or superior court on a regular suit.

Periodical reports to be furnished by collectors to Boards.

XXXII. The collectors shall transmit to the Boards such periodical reports of the causes decided by, or depending before them, as the Boards may direct, and the Boards will also furnish to Government such abstracts of those reports, and such reports in the cases received and determined by them in appeal, as the Governor General in Council shall from time to time require.

## A. D. 1822. REGULATION VII.

**XXXIII. First.** It shall be competent to collectors, or other officers exercising the powers of collectors, to refer to arbitration any disputes cognizable by them under the provisions of this regulation, as well as any questions or disputes of any kind respecting land or the tenures therein, or the rights dependant thereon that may come before them, provided the parties consent to that mode of adjustment, and on award being made, to cause the same to be executed. In referring cases to arbitration under the above provision, and in their general proceedings relative to such suits, the collector shall be guided by the rules contained in Regulation XVI. 1793, and the other corresponding enactments, and in Regulation VI. 1813, in so far as the same may be applicable, and shall be competent to vest in the arbitrators the same powers and authority in regard to the summoning and examination of witnesses, and the administration of oaths, and to enforce the orders passed by the arbitrators under such powers, in the same manner as the courts of judicature are empowered to do; and all awards made on such references shall, when confirmed by the collector, have the same force and validity as a regular decree of the *adawlut*, and shall not be liable to be reversed or altered, unless the award shall be open to impeachment on the ground of corruption or gross partiality, or shall extend beyond the authority given by the submission of the parties, and such ground of impeachment shall be established in a regular suit in the *zillah*, city, or other superior court, wherein the case may be cognizable.

Collectors authorized to refer certain cases to arbitration.

Force of awards passed on such reference.

**Second.** In referring any dispute to arbitration, the collector shall be careful to specify in his proceedings, and in the deed of arbitration, to be executed by the parties, the precise matter submitted to the arbitrators; and if the award first made by the arbitrators shall not include all the points submitted to them, or shall be otherwise incomplete, it shall be competent to the collector again to refer the matter to them, with directions to perfect their award.

Matter of arbitrement to be distinctly specified in collector's proceedings.

**Third.** The *pergunnah canoogoes* and *tehsi-dars* may be appointed arbitrators in any case referred to arbitration under the above rules; any thing in the existing regulations notwithstanding.

*Canoogoes* and *tehsildars* may be employed as arbiters.

**XXXIV. First.** When a collector, or other officer exercising any of the powers vested in collectors by the rules of this regulation, relative to complaints of dispossession or disturbance of the possession of lands or premises, shall learn either by a reference from the magistrate, or by a report from any other public officer or otherwise, that any disputes exist within the tract placed under his jurisdiction relative to any lands, premises, crops, orchards, pasture grounds, fisheries, wells, watercourses, tanks, reservoirs, or the like, likely to terminate in a breach of the peace, it shall and may be lawful for the collector or other officer aforesaid, to require the contending parties to attend in person or by representative at a stated time and place, and after investigating the case in the presence of the parties or their representatives, or such of them as may attend, or referring it to arbitration as above prescribed, to decide the case in the same manner as if it had been brought before him by the complaint of one of the parties: provided also, that if the fact of previous lawful possession cannot be ascertained, it shall be competent to the collector, subject to the orders and direction of the Board, to decide on the question of right, and to give possession to one of the contending parties, leaving the other party to contest the decision by a regular suit in court. But no such decision shall be passed by any collector, until he shall have instituted a careful inquiry into the fact of possession, and the Board shall be careful to see that this restriction is observed: provided further, that in such cases it shall be competent to the collector to attach the disputed lands, premises, &c. as aforesaid, and to appoint an officer to the management of the same, retaining in deposit the rents and produce, or such portion thereof, as may remain after discharging any public revenue demandable therefrom, with the charges of management, until one of the contending parties shall be placed in possession.

Collectors in what cases to interfere of their own motion in cases of disputed possession.

And to give possession to one of the contending parties.

Collector may attach disputed lands, &c.

**Second.** Whenever any magistrates or joint magistrates shall have before them any suit, complaint, or information relative to any dispute regarding lands, premises, crops, watercourses, or the like, which may appear likely to terminate in a breach of the peace, or which it may otherwise be desirable to bring to an immediate decision, it shall be the duty of such magistrate or joint magistrate, in cases in which the collector shall be vested with the recognizance of such actions, to certify the case to that officer, and the collector will then

Magistrates and joint magistrates in what cases to refer disputes to collector.



## A. D. 1822. REGULATION VII.

forthwith proceed to investigate and determine the case under the rules above prescribed : provided also, that in all cases of forcible dispossession, or forcible disturbance of possession, the collector shall invariably transmit to the magistrate or joint magistrate, a copy of the first proceeding held by him in the case, and also a copy of the *ruobakaree* containing his final award.

Collector to encourage arbitration.

*Third.* The collector shall in all such cases use every proper means for inducing the parties to refer their disputes to arbitration, in like manner as the *dewanny* courts are directed to do.

Meaning of the term Board of Commissioners, &c. as used in this and other regulations.

XXXV. Whenever the term Board of Revenue or Board of Commissioners may occur in this or any other regulation, the same shall be held and considered to apply to any Board, committee, or commission, and to any member of such Board, committee, or commission that may be vested by the Governor General in Council, with the powers and authority of the Board of Revenue, save and except in so far as may be otherwise specially declared and provided. In like manner all rules in this or any other regulation, whereby any duties or powers may be prescribed for, or vested in collectors, shall be held and considered to be equally applicable to any officer exercising the authority of collector, under the orders or with the sanction of the Governor General in Council.

Rules regarding collectors, to apply to any officer exercising authority of collector under orders from Government.

## A. D. 1822. REGULATION VIII.



A REGULATION to declare, that Persons charged with Crimes and Misdemeanors must ordinarily be brought to Trial at the Fouzdaree Court or Sessions of the District in which such Crimes or Misdemeanors may be perpetrated, and to vest the Governor General in Council and the Nizamut Adawlut with a discretionary Power as to the Place of Trial.—PASSED by the Governor General in Council, on the 12th September 1822; corresponding with the 28th Bhadoon 1229 Bengul era; the 11th Assin 1230 Fussily; the 29th Bhadoon 1230 Willaity; the 12th Assin 1879 Sumbut; and the 25th Zeilhijah 1237 Higeree.

ALTHOUGH the regulations of Government contain no specific provision to the effect, it is nevertheless an established principle of law and usage, that persons charged with criminal offences shall (save under special ground of exception) be tried for the same in the fouzdaree court, or at the sessions of jail delivery held for the zillah or city within the jurisdiction of which the acts charged may have been committed. In some cases, however, a rigid adherence to this principle is productive of great inconvenience to parties and witnesses, and in its consequences obstructs the course of justice; moreover, there are circumstances in which it is desirable, for political reasons, that a trial shall be removed from one district in order to be brought on at some other, where it can be more safely or expeditiously conducted. Instances have occurred in which trials have heretofore been removed for such causes, but the existing regulations are defective, in as much as besides containing no specific declaration of the general principle, they do not sufficiently provide for the course to be adopted where special grounds of exception may exist. It has consequently been deemed necessary as well to declare the principle, as to provide by a specific enactment for the exercise by the Governor General in Council and by the Nizamut Adawlut of a dispensing power in regard to the place at which prisoners shall be brought to trial for the offences with which they may be charged. It has likewise been deemed advisable to declare specifically, the competency of the Governor General in Council to determine where, and in what manner, jail deliveries shall be held for districts or portions of districts placed temporarily or permanently under the authority of joint magistrates or other similar officers. The following rules have accordingly been enacted, to be in force from the date of their promulgation throughout the territories immediately subordinate to the presidency of Fort William.

Preamble.

II. In explanation of the rules contained in Sections 5. and 6, Regulation IX. and Section 16, Regulation XXII. 1793. together with the corresponding rules for Benares, contained in Section 4, Regulation XVI. and Section 15, Regulation XVII. 1795, and those for the ceded and conquered provinces, contained in Sections 5. and 6, Regulation VI. and Section 16, Regulation XXXV. 1803, and generally of the rules applicable to the limitation of the jurisdiction to be exercised by magistrates, in the cognizance of criminal charges, and in the trial or commitment of prisoners upon the same, it is hereby declared that nothing contained therein shall be deemed or construed to empower a magistrate, to try

Nothing in existing regulations to empower ma-

## A. D. 1822. REGULATION VIII.

magistrates to pass sentence, or commit for trial, by the court of circuit, for offences committed out of their jurisdiction.

Except under authority of Government or of the Nizamut Adawlut.

If the offence charged be perpetrated beyond jurisdiction, the magistrate to send proceedings, parties, and witnesses to the magistrate of the district in which it was perpetrated.

But may suspend for special reasons, and refer the case to the Nizamut Adawlut for orders as to place of trial.

Above rule not to interfere with Regulation V 1809, and Section 6, Regulation I. 1822.

It shall be competent to the Governor General in Council to order a trial to be conducted at any station, other than that of the district, where the offence was perpetrated.

And to issue orders to magistrates for the purpose.

Notice to be given to Nizamut Adawlut and court of circuit, who will be bound to proceed with the trial, &c. where ordered.

It shall be competent to the Nizamut Adawlut to order removal of a trial, when the ends of justice, or convenience of parties, may be promoted thereby.

Official letter of the register to be authority for the same.

In case trial in a different *zillah* from that of perpetration be ordered by Government, or the Nizamut Adawlut, magistrates bound to conform to instructions of the authority ordering the same.

Above rules equally applicable to magistrates, joint magistrates, superintendents of police, &c. as to magistrates.

and pass sentence, or to commit for trial at the sessions of jail delivery for his district, any person or persons charged with an offence not perpetrated within its limits, except under special authority of the Governor General in Council, or of the Nizamut Adawlut. Should therefore proceedings have been instituted by any magistrate against any person or persons residing within his jurisdiction, on account of an offence perpetrated beyond its limits, or should it appear, in the course of the investigation of any case, that the act charged was not perpetrated within the limit of the *zillah* or city, but in some other jurisdiction, it shall be the duty of the magistrate who may have commenced proceedings, or who may be conducting the investigation, to send over the parties and witnesses, together with all the proceedings he may have held thereon, to the magistrate of the district within which the crime may appear to have been committed, in order that the parties may be there dealt with according to law: provided however, that in case the immediate adoption of this course should be attended with very great inconvenience to the parties and witnesses, or in case there should be other circumstances to make it desirable in his opinion, that the trial should be brought on, or completed at the station at which the proceedings may have been instituted, it shall be competent to the magistrate to suspend the transfer above prescribed, and to report the circumstances for the orders of the Nizamut Adawlut: provided further, that nothing contained in this section shall be held or deemed to interfere with the course prescribed by Regulation V. 1809, and Section 6, Regulation I. 1822, for the trial and sentence of persons committing offences beyond the frontier of the Company's territories.

III. *First.* It shall be competent to the Governor General in Council, whenever he shall see sufficient reason for ordering the trial of any person or persons charged with a criminal offence to be conducted in a different *zillah* or city from that in which the act may have been perpetrated, to issue his instructions to that effect, and the magistrate of the *zillah* or city in which the trial is to be conducted, as well as the magistrate of the district from which the case is to be transferred, shall be bound, on the receipt of orders for the purpose, under the official signature of a secretary to Government, to proceed to bring the party to trial at the place fixed therein, in the same manner, as if the offence charged had been committed within that jurisdiction. Notice of every such order shall be immediately given to the Nizamut Adawlut and to the court of circuit for the division within which it is intended that the trial shall take place, and those courts shall be bound to proceed under the existing regulations, in the same manner as if the trial had been brought on in its proper district.

*Second.* In the like manner, it shall be competent to the Nizamut Adawlut to order a trial to be brought on at the station or jail delivery of any *zillah* or city magistrate, other than that of the district within which the crime may have been perpetrated, whenever, either from the magistrate's representation, or from other information, it shall appear to the court, on substantial grounds to be recorded on their proceedings, that such measure will promote the ends of justice, or tend to the general convenience of the parties and witnesses without hinderance thereto. An order under the official signature of the register of the court, shall be sufficient authority for the magistrate and court of circuit to proceed to the trial; any thing in the existing regulations to the contrary notwithstanding.

IV. When a trial shall be removed from one *zillah* to be conducted or completed in another, in consequence of an order of Government or of the Nizamut Adawlut, under the discretionary powers reserved in the preceding section, or when a trial shall be ordered to be carried on in the district where the proceedings may have been instituted, instead of being transferred to that in which the crime was perpetrated, the magistrates of the several districts having relation to the case, shall be bound to conform to any instructions they may receive from the authority issuing the orders, and the trial held and sentence passed in consequence, shall be of the same legal effect, as if the whole had been conducted at the station of the district within which the crime was perpetrated.

V. The foregoing rules, in so far as they apply to the magistrates, will of course be equally applicable to joint magistrates, to the superintendents of police, and to all other officers exercising the function of magistrate.

A. D. 1822. REGULATION VIII.

VI. It is hereby declared, that in case of an officer being vested with magisterial powers, and deputed permanently or temporarily to exercise them within a portion of a district, or of an officer's being placed in charge of a tract of country comprising portions of several jurisdictions, it shall in such case be competent to the Governor General in Council, at the time of creating such an authority, or at any time subsequently, to determine and prescribe, by an order under the official signature of a secretary to Government, at what station and in what manner, prisoners committed to take their trial before the court of circuit for offences perpetrated within the limits assigned to such officer, shall be brought to trial for the same. Notice of every such determination will of course be given to the Nizamut Adawlut, and that court shall be bound to take the necessary steps to carry the same into execution.

Declaration that in case a joint magistracy or the like be created, Government shall be competent to settle how and where its sessions of jail delivery shall be held.

Notice to be given to the Nizamut Adawlut, who will carry the same into execution.



## A. D. 1822. REGULATION IX.



A REGULATION to extend the Rules of Regulation V. 1809, and of Section 6, Regulation I. 1822, to Emigrants from Foreign States, and other Aliens settled in the British Territories, or living and residing therein, for a Period of six Months and upwards; also to provide for the Execution by Zillah and City Magistrates, of Sentences passed by Tribunals established by Government in Countries not subject to the general Regulations.—Passed by the Governor General in Council, on the 19th September 1822; corresponding with the 4th Assin 1229 Bengal era; the 18th Assin 1230 Fussily; the 5th Assin 1230 Willuity; the 4th Assin 1879 Sumbut; and the 2d Mohurrum 1238 Higeree.

**T**HE rules of Regulation V. 1809, and of Section 6, Regulation I. 1822, for the cognizance of offences committed beyond the frontier, are subject to the restrictions contained in Section 2, Regulation VIII. 1813, which provides that “the said rules shall be considered applicable to the “three following classes of persons, and to no other.”

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*First.* “Natural born subjects of the British Government in India. *Second.* Natives of India who may have become subjects of the British Government in India, by the conquest or cession of the places in which they were born, for acts done by them subsequently to the period of such conquest or cession. *Third.* Natives of the foreign states of India, in the civil or military service of the British Government in India, while actually in such service, and during six months after they shall have quitted the British territories; or (supposing them to be stationed out of the limits of the British territories) after they shall have quitted the service.” In consequence of these restrictions there exists at present no legal method of bringing aliens and others, not specified in the above rule, to justice for offences committed by them beyond the frontier; nor is there indeed any mode of proceeding against them, except to surrender them to the officers of the state within which the crime may have been perpetrated. Since however it is manifestly expedient that the Government should possess the same discretionary power of bringing all persons residing and living under the protection of its laws to trial by the established courts for such offences, the Governor General in Council has determined to extend the provisions of Regulation V. of 1809, and Section 6, Regulation I. 1822, to all persons whatsoever, other than British-born subjects of His Majesty, who shall have lived and resided for six months in the territories immediately subordinate to the presidency of Fort William, or have otherwise settled therein, and become subject to its Government. It has likewise been deemed expedient to provide, by a legislative provision, for the execution by the several zillah and city magistrates, of sentences passed by tribunals established for the administration of criminal justice in newly acquired countries, or in territories not subject to the operation of the general regulations; and the following rules have accordingly been enacted, to be in force from the date of their promulgation.

II. In addition to the classes of persons specified in Section 2, Regulation VIII. 1813, the rules of Regulation V. 1809, and of Section 6, Regulation I. 1822, are hereby declared to be applicable to all persons whatsoever, other than British-born subjects of His Majesty,

The rules contained in Regulation V. 1809, and Section 6, Regulation I. 1822, are declared appli-

## A. D. 1822. REGULATION IX.

cable to foreigners and others settling or residing for six months, within the Company's territories.

who being resident within the Company's frontiers, may have purchased any lands or other immoveable property, or hired the same for any period exceeding six months, or who may have otherwise fixed or may hereafter fix their residence in the Company's territories with the intention of settling therein, or who may in any manner have lived and resided therein for a period of not less than six months.

The *zillah* and city magistrates declared competent to give effect to sentences passed by the criminal courts in territories not subject to the operation of the general regulations.

A warrant under the official seal and signature of the officer exercising criminal jurisdiction declared to be a sufficient authority for the confinement, transportation, or punishment, of a prisoner.

In cases of doubt as to the legality of such warrant, or the competency of the officer by whom it may have been issued, a reference to be made to the Governor General in Council, and in the mean time the prisoner to be detained in custody.

The rules in force for the treatment and security of prisoners confined in jails declared equally applicable to the cases of prisoners confined under this section.

III. *First.* The several *zillah* and city magistrates are hereby declared to be competent to give effect to any sentence that may be passed by the criminal courts established, or that may be established under orders from the Governor General in Council, for the administration of criminal justice in territories appertaining to the Honorable Company's dominions, but not subject to the operation of the general regulations.

*Second.* A warrant, under the official seal and signature of the officer or officers exercising criminal jurisdiction within such territory, shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond sea, or for inflicting and punishment defined any prescribed therein.

*Third.* In the event of any doubt being entertained as to the legality of any warrant sent to be executed by any *zillah* magistrate, or as to the competency of the person or persons whose official seal and signature may be affixed thereto, to pass the sentence and issue such warrant, a reference of the point shall be made to the Governor General in Council, by whose order on the case the magistrates and all other public officers shall be guided as to the future disposal of the prisoner: pending any such reference, the prisoner or prisoners shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

*Fourth.* The provisions of the existing regulations and all other rules in force for the treatment and security of prisoners confined in the jails of this presidency, shall apply and be of equal force and effect in the case of prisoners confined under this section, as of other convicts detained under sentences of the criminal courts passed under the regulations in force.

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# A. D. 1822. REGULATION X.

A REGULATION for exempting the Garrow Mountaineers and other rude Tribes on the North-Eastern Frontier of Rungpore, from the operation of the existing Regulations, and for establishing a special System of Government for the Tract of Country occupied by them, or bordering on their Possessions.—Passed by the Governor General in Council, on the 19th September 1822; corresponding with the 4th Assin 1229 Bengal era; the 18th Assin 1230 Fussily; the 5th Assin 1230 Willaity; the 4th Assin 1879 Sumbut; and the 2d Mohurrum 1238 Higeree.

**T**HERE exist in different parts of the territories subordinate to the presidency of Fort William, races of people entirely distinct from the ordinary population, and to whose circumstances therefore the system of Government established by the general regulations is wholly inapplicable.—Such were the mountaineers of Bhagulpore, for the reclaiming of whom to the arts of civilized life special arrangements were made by Government with the chiefs, some time before the introduction of the present system. These arrangements still subsist, having been incorporated into the code by the provisions of Regulation I. 1796, under which an entirely distinct system has been established for the administration of justice amongst the inhabitants of that mountainous tract. Savage tribes, in some respects similar, exist on the North-East frontier of Rungpore, of which the race denominated Garrows, and occupying the hills called after them, are the principal. As yet little has been done to reclaim or civilize these people. The reciprocal animosity which subsist between them and the inhabitants of the cultivated country prevents any extensive intercourse of a pacific nature, while on the contrary their mutual injuries have produced feuds leading frequently to disturbance and bloodshed. The *semindars* of the frontier have, there is reason to believe, usually been the aggressors by encroaching on the independent territory of the Garrows and similar rude tribes, until despairing of other resource, the latter are driven to seize occasions of private revenge and retaliation. These encroachments having been of long standing, several *semindars* were at the time of the perpetual settlement in the receipt of incomes derived from cesses of various kinds, levied from the tribes, and hence a portion of the tract of country occupied by them has been considered to lie within the operation of the general regulations as forming part of the *semindaries*. This however, instead of conducing to reclaim the tribes to civilized habits, has rather had a contrary effect, the system being totally inapplicable to their savage and secluded condition, and being calculated to leave them at the mercy of the *semindars*, rather than to offer any substantial means of redress. The condition of the Garrow mountaineers and of the other rude tribes on that frontier has for some time past attracted much of the attention of the Governor General in Council, and the circumstances which have conduced to check the progress of civilization amongst them have been fully investigated and ascertained. With a view therefore to promote the desirable object of reclaiming these races to the habits of civilized life, it seems necessary that a special plan for the administration of justice, of a kind adapted to their peculiar customs and prejudices, should be arranged and concerted with the head men, and that measures should, at the same time, be taken for freeing them from any dependence on the *semindars* of the British provinces; compensation being of course made to the latter

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for any just pecuniary claims they may have over them. Preparatory to the execution of measures adapted to this end, it has been deemed indispensable to suspend the operation of the existing rules for the administration of civil and criminal justice, and generally of the regulations of Government within the tract of country comprised in, or bordering on the hills and *jungles* occupied by these tribes, and to appoint a commissioner, with full power to conclude arrangements with the chiefs, and to conduct the entire administration of the tract in question, subject only to such orders and instructions as he may receive, from time to time, from the Governor General in Council. The following rules have accordingly been enacted, to take effect from the date of their promulgation, in the manner and within the limits therein described.

Separating the tract of country comprised in the *thanas* of Gwalpara, Dhoo-bree and Kurreebaree from the jurisdiction of the district of Rungpore, and declaring the operation of the existing regulations to be suspended, except so far as provided hereafter.

A civil commissioner appointed for the North-East parts of Rungpore above described, vested with the powers of administering civil and criminal justice, the collection of revenue, and the superintendence of the police in the manner prescribed in this regulation.

Commissioner to exercise the functions of magistrate, and to have criminal jurisdiction in the trial and sentence of persons charged with offences to the extent of a circuit judge, but no *futwa* to be required.

Commissioner and other officers acting under his control, shall ordinarily conform to the principles and spirit of the regulations applicable.

But shall obey and conform to all special rules, and orders of Government.

Reservation to the Governor General in Council of the power of regulating sundry matters connected with the commissioner's criminal jurisdiction.

Proceedings in the trial of certain cases to be referrible to the Nizamut Adawlut, before final sentence being passed by the commissioner.

II. The tract of country now comprised in the *thana* jurisdictions of Gwalpara, Dhoo-bree and Kurreebaree, in the district of Rungpore, is hereby declared separated from the said district : and the operation of the rules for the administration of the police and of civil and criminal justice, as well as those for the collection of the land revenue, customs, *abkaree*, and stamp revenues ; together with all other rules contained in the regulations printed and published in the manner prescribed by Regulation XLI. 1793, are suspended, and shall cease to have effect therein from the date of the promulgation of this regulation, except in so far as may be hereinafter provided.

III. The administration of civil and criminal justice, the collection of the revenue, the superintendence of police, and every other branch of government within the tract above described, are hereby declared to be vested in an officer appointed by the Governor General in Council, and denominated the civil commissioner for the North-Eastern parts of Rungpore : the said officer shall conduct the same agreeably to the principles and spirit of the existing regulations, subject to the restrictions and modifications hereinafter provided, and to such other alterations and amendments, as may, from time to time, be ordered by the Governor General in Council.

IV. *First.* In the administration of criminal justice, the commissioner shall be competent to exercise all the functions and authorities now exercised by magistrates in respect to the apprehension and trial of persons charged with offences ; and further to hold trials and pass sentence to the extent permitted by the regulations to a judge of circuit : but without reference of the proceeding for *futwa* to a Mahomedan law officer.

*Second.* In the exercise of the powers and authorities above conveyed to the commissioner, he shall ordinarily conform to the principles and spirit of the regulations applicable to such subjects ; so likewise the police officers and all other officers acting under his control : provided however that the commissioner and all such officers shall be bound to conform to any special rules or orders that may, from time to time, be issued by the Governor General in Council, for regulating the process before trial, or the forms of trial to be observed in the case of different classes of the population, and the same shall be to all intents and purposes legal and valid. Moreover, it shall be competent to the Governor General in Council to extend, limit, or modify, any part of the authority to be exercised by police officers, and likewise to confer on the commissioner the power of granting conditional pardon to accomplices without previous reference to the Nizamut Adawlut, as required by the existing regulations, or in any other way to extend or modify the magisterial and judicial functions vested in the commissioner by the preceding clause of this section. An order or resolution of Government, under the official signature of a secretary to Government, shall be sufficient authority for such modification ; any thing in Regulation XLI. 1793, or in any other regulation of Government to the contrary notwithstanding.

*Third.* If the commissioner shall deem an offender brought to trial before him to be liable to a punishment exceeding that which by the existing regulations a judge of circuit is competent to adjudge without referring the case to the Nizamut Adawlut, he shall not pass any final sentence thereon, but shall transmit to the Nizamut Adawlut the record of the proceedings held on the trial, together with a full English report of the circumstances of the case, and of his opinion as to the guilt or innocence of the prisoner or prisoners tried, as likewise an explanation of any special custom of the parties or witnesses that may be necessary to the proper understanding of the proceedings.

## A. D. 1822. REGULATION X.

V. Upon the receipt of any trial referred by the commissioner under the preceding section, the Nizamut Adawlut shall, without submitting the proceedings for the *futwa* of their law officers, proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the court requisite and proper, in the same manner, with exception to the requisition of a *futwa*, as if the trial had been sent up in ordinary course from a judge on circuit.

The Nizamut Adawlut how to pass judgment in such cases.

VI. In the exercise of the duty of administering civil justice within the tract defined in Section 2. of this regulation, the commissioner shall hold a court and proceed, in cases wherein persons not of the race of Garrow mountaineers or other rude tribes are exclusively concerned, according to the existing regulations, subject to the modifications provided for by this regulation, observing, as far as practicable, the rules prescribed for *sillah* judges holding and presiding in the *adawluts* of the country: provided however, that there shall be no limit to the amount for which a suit shall be cognizable by the commissioner, and an appeal from his judgments shall not lie to the provincial court. If the stake or interest involved (calculated according to the rule contained in Section 14, Regulation I. 1814,) do not exceed in amount or value the sum of 5,000 sicca rupees, the decision passed on the case by the commissioner shall be final. If the interest involved calculated as above exceed in value or amount the sum of 5,000 rupees, an appeal shall lie in such cases direct to the Sudder Dewanny Adawlut, who will proceed in the hearing and adjudication thereof, in the same manner as in the case of appeals entertained by the court from judgments of provincial courts of appeals. The Sudder Dewanny Adawlut shall likewise be competent to grant a special appeal in cases of a less amount than 5,000 rupees, should there appear, either on the face of the decree or from circumstances established to the satisfaction of the court, substantial reason for concluding that there has been a failure of justice in the award of the commissioner.

Power of the commissioner in administering civil justice.

Suits exceeding in amount Rs. 5,000 to be appealable to the Sudder Dewanny Adawlut.

Special appeal allowed if under 5,000 rupees.

VII. If the parties in a civil action be Garrow mountaineers or of any other similar rude tribe, or if either of them be of that description, the form and process that may be sanctioned and prescribed by the Governor General in Council, shall be adopted in the trial and adjudication of the matter at issue, and in the execution of the award; and any civil judgment that may be passed according to such form, shall have full authority and effect, in the same manner as a decree<sup>\*</sup> passed by a competent court of final jurisdiction.

The process and form of trial in civil actions between Garrows and the like, or in which one of the parties may be of this description, to be as prescribed by the Governor General in Council.

VIII. *First.* In the conduct of the revenue duties of the tract of country placed under the commissioner, as well those relating to the customs, *abkaree*, stamps, and other miscellaneous items, as to the land revenue, the commissioner shall observe the rules and principles of the general regulations, with such limitations and restrictions as to the authority to be exercised by himself, as may be provided in the instructions he may receive, from time to time, from the Governor General in Council: provided however, that it shall be competent to the Governor General in Council to direct the separation, temporarily or permanently, of any tract of country occupied by Garrow mountaineers or other rude tribes from the estates of any neighbouring *zemindars*, to which the same may now be claimed to be attached; also to discontinue the collection by *zemindars* or others of any cesses, tributes, or exactions, on whatsoever pretence the same may be levied from such people, and to make arrangements either for the remission of the same or for their collection direct by the officers of Government, making such compensation to *zemindars* or others, justly entitled thereto, for the relinquishment of the same, as may to him seem most equitable and proper.

Rules under which the commissioner shall conduct the revenue duties in the tract of the country placed under his control.

Proviso, declaratory of the competency of Government to separate tracts occupied by Garrows or the like, from *zemindars*, and to discontinue the levy of cesses or the like, giving compensation when justly due.

*Second.* No suit or action shall be entertained by any civil court having jurisdiction, or that may hereafter have jurisdiction, within the tract of country subject to the authority of the commissioner, on account of any act of the above description done under the authority of the Governor General in Council.

No suit shall be entertained by any civil court within the tract of country subject to the commissioner on account of acts done as above.

IX. In all matters connected with the tract of country specified in Section 2, or with the races of mountaineers and rude tribes above described, if from the want of any special provision, or from doubts as to the applicability of the rules in existence, any difficulty shall arise as to the course to be pursued, a reference shall be made to the Governor General in Council, to whom it shall be competent to prescribe, by an order under the official signature of a secretary to Government, what specific measures shall be adopted in the particular instance, as well as to annul, modify, and explain, any existing rules or orders.

All questions regarding the application of the rules in matters connected with the tract of the country described in Section 2. of this regulation, shall be referrible to the Governor General in Council.



## A. D. 1822. REGULATION XI. X



A REGULATION for modifying and explaining the existing Regulations relative to the Sale of Land for the Recovery of Arrears of Revenue ; for declaring Government not to be liable for any Errors or Irregularities in the Proceedings of the Courts of Justice ; and for making further Provision for the Conduct of the Revenue Officers in certain Cases.—PASSED by the Governor General in Council, on the 22d November 1822 ; corresponding with the 8th Aughun 1229 Bengal era ; the 23d Kautick 1230 Fussily ; the 9th Aughun 1230 Willaity ; the 8th Kautick 1879 Sumbut ; and the 7th Rubee-ul-Awul 1238 Higeree.

THE existing regulations relative to the public sale of estates for the recovery of arrears of revenue appear to be defective, inasmuch as they do not specify the conditions which are to be held necessary to the validity of such sales, nor define with sufficient precision and accuracy, the nature of the interest and title conveyed to the persons purchasing estates so sold ; various doubts have accordingly arisen on both these questions, which it appears necessary and proper to remove by a legislative enactment ; and it is also expedient further, to regulate the course of proceeding to be hereafter followed in regard to sales of the above description, in order better to guard against error or irregularity in the conduct of them. With the view too of securing the *zemindars* from the risk of that injury and hardship which experience has shewn, must in many individual cases result from the absolute confirmation of sales in all cases in which the prescribed conditions may have been observed, it has appeared desirable, distinctly to vest the Revenue Boards with the power of annulling sales made by the collectors under their authority, not only in cases in which they may appear to have been irregularly conducted by those officers, but also in cases in which the defaulter may clearly appear to have been defrauded or deceived by his own agents, or in which the confirmation of the sale may from any cause appear to be a measure of excessive severity, or to be otherwise inexpedient or improper. Cases also have occurred in which the revenue officers of Government having been executively employed in giving effect to orders issued by the *sillah adawlut*s, which the decision of the superior courts has declared to be irregular and illegal, Government has been held responsible for the acts done by the said officers in virtue of the orders aforesaid, contrary to the real intent and meaning of the existing law, and it has therefore become necessary to declare, that Government is not liable for any errors or irregularities in the proceedings of the courts of justice, whether the revenue officers may or may not be employed in giving effect to the proceeding or order, deemed to be erroneous or irregular. It has further appeared expedient to make certain other additions and modifications in the regulations prescribed for the conduct of the revenue officers. With the view therefore to the above objects, the following rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation throughout the provinces of Bengal, Behar, Orissa, and Benares, and in the ceded and conquered provinces, including the district of Cuttack.

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# A. D. 1822. REGULATION XI.

Certain parts of the existing regulations rescinded.

Further provisions rescinded.

Rules rescinded or modified by the said rules, or provisions, still to be repealed or modified as heretofore.

Declaration as to the liability of lands to public sale for arrears of revenue.

Estates while under court of wards not liable to sale.

Joint estates and estates under attachment, only to be sold at the end of the year.

Further restrictions in regard to sale of lands may be exercised by Government and by Boards, and Government may annul sales at any time within three years, if made in contravention of such instructions.

Sales for arrears of revenue, to be made by revenue officers.

And not to be annulled except on grounds specified.

**II. First.** Sections 13, 25, 26, 27, and 28, Regulation XIV. 1793; Sections 19, 29, 32, 33, 34, Regulation VI. 1795; Regulation V. 1796; Section 23, and Clauses 2, 3, 4, and 5, Section 29, Regulation VII. 1799; Sections 3, 5, 6, 7, and 11, Regulation I. 1801; Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, Regulation XXVI. 1803; Clause 5, Section 17, and Sections 19, and 29, Regulation XXVII. 1803; and Regulation XVIII. 1814, are hereby rescinded.

**Second.** Regulation XII. 1796, and Regulation V. 1800, in so far as the same are applicable to public sales for the recovery of arrears of revenue, together with such parts of Sections 3, 24, and 25, Regulation XIV. 1793; Sections 7, and 31, Regulation VI. 1795; Section 23, Regulation VII. 1799; Section 31, Regulation XXVII. 1803, and of any other of the regulations in force which prescribe, or shall be construed to prescribe, that the revenue officer shall issue any *tultub-chitfee*, *dustuk*, or other process of demand on persons from whom arrears of revenue, or other demands similarly recoverable, may be due, or that they shall attach the estates or farms in the possession, or management of such defaulters, before bringing their property to a public sale, as well as such part of the abovementioned and any other regulations which restrict, or can be construed to restrict, the powers of the revenue officers in selecting lands for sale on account of arrears of public revenue, or the period of sale, and which may not be re-enacted by this regulation, are hereby rescinded.

**Third.** The several rules and enactments rescinded or modified by the provisions above recited, or any of them, shall be and continue repealed, or modified as heretofore.

**III. First.** The regulations of Government having made the estates of proprietors under engagements with Government primarily answerable by public sale for any arrear in the monthly payments of the revenue, as defined in Section 2, Regulation III. 1794, and in the corresponding enactments of the regulations applicable to Benares, and to the ceded and conquered provinces; and the property of all persons under stipulations with Government, whether as proprietors for their own estates, or as farmers or managers, and their sureties, being likewise answerable for such arrears; it is hereby declared and provided, that the collectors of land revenue shall, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, be entitled to have recourse to this process for the realisation of any arrear, or interest thereon, or other revenue demand that may be due from parties so under engagements, whether any other revenue process shall, or shall not have been issued, and at any time of the year when the same may be unpaid, subject only to such rules and restrictions as are specifically prescribed in this, or any other regulation.

**Second.** Estates under the superintendence of a court of wards, shall not be liable to sale for arrears accruing during the period they may be so managed.

**Third.** Joint estates shall not be liable to sale for arrears that may accrue during the progress of a *butwarra* or partition, until the expiration of the year within which the arrear may become due. In like manner, estates under attachment by order of the courts of justice, shall not be liable for sale in the middle of the year, for arrears accruing during the period of such attachment.

**Fourth.** Provided further, that it shall be competent to the Governor General in Council to impose on the Revenue Boards and subordinate revenue authorities, such further restrictions in regard to the sale of lands for arrears of revenue, as may, from time to time appear necessary; and if any sale shall be made by any collector or other officer in contravention of an order or instruction issued by Government, such sale, though not voidable under the provisions of Section 5, shall nevertheless be liable to be annulled by the Governor General in Council, at any time within three years of the date of sale.

**IV.** Sales of land for arrears of revenue shall be made under the following rules by the collectors of revenue, or other officers authorised in that behalf by Government, and no sale made in conformity with the said rules, and duly confirmed by the superior revenue authorities, shall be liable to be annulled, set aside, or altered by any court of judicature, on account of any error or irregularity in the previous process used for the recovery of the arrear claimed, or on account of any error, irregularity, or omission whatsoever, not involving the failure of time of the conditions hereinafter specifically declared to be essential to the validity of public sales; but any person, who may consider himself aggrieved by any act, or circumstance

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stance connected with a sale not amounting to such failure, shall have his remedy in a personal action for damages against the individual by whom, or by whose fault he may have been endamaged.

V. The conditions of the validity of a public sale for the recovery of arrears of revenue are the following.

1st. That the lands or *mohaul* sold form the estate on account of which the arrear has accrued, or are parcel of such estate, and be liable to sale consistently with the principle and provisions declared and enacted in this regulation; or, if not the estate or parcel of the estate as aforesaid, be the property of the defaulter or his surety, or being the property of such defaulter or surety, shall have been specially pledged to answer the demand in arrear.

Conditions necessary to validity of sales.

2d. That permission to make the sale shall have been received from the Boards of Revenue, or other authority exercising the powers of those Boards, previously to the day of sale.

3d. That due notice of the demand and of the intention of the collector to sell, as well as of the time and place of sale, shall have been given, as hereinafter provided.

4th. That some part of the amount demanded in the notice, or of the interest payable thereupon, shall be due at the time of the lot being put up.

5th. That the sale shall be made at the time and place stated in the advertisement, and with the due publicity and freedom, as hereinafter specifically directed.

VI. *First.* Whenever a collector, or other officer shall deem it necessary to resort to a sale of lands for the recovery of arrears of revenue, he shall transmit to the Board of Revenue, or other authority exercising over him the powers of that Board, a statement containing the name of the *mohaul* or *mohauls* proposed to be sold, the name of the registered proprietor, or proprietors, or such of them as may be ordinarily used in designating the estate, the amount of the Government *jumma*, and of the arrear due. If the lands proposed for sale form a parcel, or fractional part of an estate, the collector or other officer aforesaid, shall further explain, for the information of the Board or other authority aforesaid, the grounds on which he may have fixed the proportional assessment. Along with the said statement the collector, or other officer aforesaid, shall transmit a copy of the notice of sale which he may have issued, or may propose to issue, under the rules hereinafter prescribed. The Board of Revenue, or other authority exercising the powers of that Board, on receiving the above statement, will determine on the propriety of resorting to a public sale. If they deem it necessary or proper to make the sale in the manner proposed, they shall communicate to the collector, authority to that effect: if there shall be any cause why the sale should not take place on the day fixed by the collector, it shall be competent to the Board or other revenue authority aforesaid, at any time previously to that date, to appoint any subsequent day, and they shall in such case instruct the collector to give notice of the sale being so postponed, in the manner hereinafter prescribed for cases of postponement, causing at the same time, a notice of the postponement to be inscribed on the advertisement transmitted by the collector for publication in their secretary's office. It shall be competent to the Board, or other authority aforesaid, in like manner, repeatedly to postpone the sale of any estate, in the event of any thing arising to render it expedient to do so.

Collector desiring to sell, how to apply for the Board's permission.  
Statement of lands for sale to be forwarded.

With copy of notice.

Board how to proceed on receiving statement from collector.

Board may postpone sale.

Causing notice to be given of postponement.

Repeated postponement may be made by the Board.

*Second.* Provided however, that if the Board, or other authority aforesaid, shall see reason to direct the sale of a portion only of the lands proposed by the collector to be sold, or of different lands, or to make any alteration in the amount of the *jumma* proposed by the collector, or to change the place of sale, it shall in such case be necessary, that a fresh *lot-bundee* be prepared, and that a notification of the proposed sale be published in the district, and at the office of the secretary to the Board, or other authority aforesaid, in the same manner and for the same period, as is prescribed for the publication of advertisements issued in the first instance by the collectors.

If alteration made in the *mohaul* to be sold, its *jumma*, or in place of sale, fresh publication necessary.

*Third.* No sale, whether made before or after the promulgation of this regulation, shall be liable to be annulled on the ground of informality, or omission, in the communications that may have passed between the collector and controlling Board: provided that the Board shall have actually given authority to proceed to the sale of the specific lot sold.

Sales of land not liable to be annulled on ground of informality or omission in communications between collectors and

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Board, provided authority to sell have been given.

In what cases collector may advertise, without previous reference.

Notice of sale what to contain, and how to be issued.

Copy of notice to be stuck up in *cutcheree* of collector, and in court.

And in office of Board.

Publication made on estates.

Manner of publication in *mofussil*.

What publication sufficient for validity of sale.

Course to be followed by the collector, in case the registered proprietor of an estate ordered for sale be a native officer, or soldier on the regular military establishment of this presidency.

**VII. First.** The following rules shall be observed in issuing notice of sale, after leave shall have been obtained in the manner prescribed in the preceding section : provided however, that whenever a collector proposing to have resort to a public sale of any estate for arrears of revenue, shall deem it desirable to avoid the delay incident to a previous reference to the Board, then, provided the arrear, or any part of it shall have been due not less than fifteen days, it shall be competent to the collector to issue the notice, of his own authority, without waiting the sanction of the Board of Revenue.

**Second.** Every notice of the sale of lands for arrears shall, in case the lands be situated in Bengal or Orissa, exclusive of Cuttack, be written in the Persian and Bengalee languages; if in Cuttack, in Persian and Ooreca ; and if in any of the other provinces, in Persian and Nagree. The aforesaid notice shall contain a statement of the demand on account of which the sale is to be made, and a specification of the estate or *mohaul* to be sold, and of the *jumma* assessed on it, as well as of the day and place of sale.

**Third.** A copy of the notice shall be stuck up in some conspicuous part of the collector's *cutcheree* or place of office for the time being, and another copy shall be sent to the judge or other person in charge of the *adawlut* of the district in which the lands, or some part of them may happen to lie, who shall on receipt of it cause it to be similarly exposed in a public part of his *cutcheree* or *adawlut* ; a third copy shall be sent to the Board of Revenue, or other authority exercising the powers of that Board, for publication in the office of its secretary. A like notice shall be sent by a single *peon* to be published on the estate or in the *mofussil* in the manner following. The *peon* shall first proceed to the *cutcheree* or residence of the defaulter, and upon obtaining a receipt under his hand, or under that of his manager, shall leave the notice in the possession of either of those persons. If the *peon* shall not be able to obtain a receipt as above, he shall proceed to the *cutcheree* of the *conoongoe*, *moonsiff*, or *thanadar*, within whose jurisdiction the said *cutcheree* or residence may be, and shall cause the notice to be affixed to some accessible and exposed part of the building, bringing away a receipt from the officer at whose station the publication may have been made. Provided however, that in case any *malguzar* or *malguzars* should give in a written application to the collector, praying that notices of arrears and of sales on account of the revenue due from them, either on account of their estates generally, or for any estate specifically named, may be served on their agents, or at the house of any *mahajun* at the *sudder* station, or other person duly authorized on the part of such *malguzar*, or *malguzars*, to receive and forward the same to him or them ; then the receipt of the person or persons so authorized shall be deemed a full and sufficient acknowledgment of the service of such notice, and the *tullubbana* leviable on the issue of the same shall be calculated with reference to the distance of the residence of such authorized agents from the collector's office.

**Fourth.** No sale shall be liable to be annulled on the ground of any insufficiency of the notice given, provided it be satisfactorily proved, that the copy of the notice required to be sent to the court for publication, was received by the judge, or other person in charge of the *adawlut*, for a period of thirty days prior to the date of sale ; and provided there be sufficient evidence, that the notice directed to be sent into the *mofussil*, was received by the parties, or by any manager, or agent on their part, or was published at a public *cutcheree* after the manner provided, on a date prior to that on which the sale may have taken place, by not less than twenty days, or provided it be satisfactorily proved by other circumstances, or there be sufficient ground to presume, that the defaulter was fully aware of the demand being outstanding against the *mohaul*, and of the intended sale, for a like period before the day of sale.

**Fifth.** Provided however, that if any of the registered proprietors of an estate, which a collector may propose to bring to sale for arrears of revenue, shall be entertained as a native officer or soldier in the regular military establishment of this presidency, and shall have notified the circumstance to the collector in the manner required by clause first, Section 9, Regulation XV. 1816, it shall be the duty of the collector to follow the course prescribed in that section, before proceeding to the actual sale of the estate.

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**VIII. First.** In case of any sale being postponed, whether by orders of the Board of Revenue, or of any other authority exercising the powers of that Board, or in consequence of the collector's seeing reason to put off the sale to a subsequent date, the collector shall, on or before the day originally fixed for the sale, stick up in his own *cutcheree* an advertisement notifying the postponement, and the date on which the postponed sale is to take place, and shall transmit a counterpart to the judge of the district, who shall cause it to be similarly published at his court house. This rule shall not, however, apply to cases in which any sale may have been postponed in consequence of any alteration in the lands advertised for sale, or of the *jumma* assessed thereon, or of the place of sale, in which case, a fresh *lotbun-dee* and advertisement will be necessary, as above provided.

What notice required in cases of postponement.

In what case fresh advertisement to be issued.

**Second.** If, after the day appointed for the sale shall have arrived, and the assembly shall have been convened, the collector shall publicly adjourn the meeting, or put off the sale of any estate from day to day, either on account of illness, or because of the day's having closed, or from the press of other business, or as an indulgence to, or at the request of the defaulters, or any of them, or for any other cause, which he may deem good and sufficient in any such case, it shall be the duty of the collector to cause a notification of the circumstance to be inscribed in the original advertisement made in his *cutcheree*, over against the name of the estate or estates, of which the sale may be put off: provided however, that if such adjournment shall take place after the bidding for any lot shall have begun, and before the lot is knocked down, the collector shall hold a proceeding recording the last offer, and the name of the bidder; and if he resume the sale, at the adjourned meeting, he shall again put up the lot at the price so offered, unless the bidder shall have formally retracted his bid, or having been thrice called, shall not be forthcoming.

What notice to be given in case of adjournment.

Proviso for cases in which the bidding may have commenced.

**IX.** In regard to sales, which may have been made prior to the enactment of this regulation, the decision of the courts on the question of their validity, in so far as relates to the adequacy of the notice, which may have been served on the party, or otherwise issued, shall be guided by the principles stated in the fourth clause of the 7th Section of this regulation, that is to say, no sale shall be annulled by any of the said courts on the plea of want of due notice, provided it can be proved, or there be sufficient reason to presume, that a notice of sale in any one of the languages prescribed by the regulations was served on the defaulter, or affixed or published in any part of the estate sold, one month prior to the date of actual sale, and that the purport of the notice was understood by the defaulter, his agents, or two or more of the residents of the place, who may have witnessed the publication. Provided further, that in cases in which any sale made previously to the enactment of this regulation, may have been postponed from the day appointed by the advertisement to the next or ensuing day of public business, if the meeting was publicly adjourned, and the persons assembled were fully informed of the postponement of the sale, and attended accordingly in such number and manner as that the second meeting may be fairly deemed to have been a continuance by adjournment of the first, such sale shall not be liable to be set aside as void or invalid, upon any plea that the notice, or notices required in cases of postponement were not duly served or published.

Declaration as to the application of the above principles to past sales.

**X. First.** Previously to putting up any estate to sale, it shall be the duty of the collector, or other officer holding the sale, to satisfy himself that some part of the advertised arrear, or of the interest and charges due on account of it, is still unpaid. If the defaulter, or any one in his behalf shall deny the existence of an arrear, it shall still be competent to the collector or other officer to proceed with the sale, unless the sum demanded by him shall be paid in, or a tender made of Government securities, or notes of the Bank of Bengal, equivalent to the entire demand, and five per cent. in addition, to cover eventual charges; or unless a certificate be furnished under the seal and signature of the judge of the district, shewing the amount to have been deposited in court.

Before sale, arrear to be ascertained.

**Second.** Provided however, that in cases of sales held at the office of the secretary to the Board of Revenue, or other similar authority, no payment or deposit made in the *xillah* shall be deemed sufficient to stay or invalidate a sale, unless the same shall have been made at such a period before the date of sale, as to enable the collector, or other officer receiving the same, to communicate the information to the Board by the ordinary *dawk*, or unless the party

Proviso for sales held at the office of the Board.



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party shall himself produce to the officer conducting the sale, a certificate of such payment or deposit having been made under the seal and signature of the collector or judge of the district, before the lot is put up for sale.

Parties paying, or depositing amount demanded, may sue to recover.  
 Proviso.

*Third.* Parties paying, or depositing as above, the amount demanded from them, will of course be entitled to sue under the rule contained in Section 23. of this regulation, provided they at the time deny the justness of the demand in writing, and proceed within the prescribed period: but after a sale shall have been made, it shall not be liable to be annulled by any court of judicature, on the plea that no arrear was justly due, unless the said plea shall have been preferred to the collector or the Board prior to the sale, or previously to its confirmation by the latter authority, or good and sufficient reason be shewn, why such denial could not be made. Provided also, that no claim to abatement or remission of revenue, unless the same shall have been allowed by the authority of Government, nor any private demand, or cause of action whatsoever, held or supposed to be held by a *semindar* or other engager against Government, shall be allowed to bar, or in any way affect the right of Government and its officers, summarily to enforce the payment of the public revenue by the sale of the lands, or property of the person, so long as any part of the assessment for which such *semindar*, or other person aforesaid may be liable, shall remain undischarged.

Declaration as to arrears accruing under attachment, or during dis-possession.

XI. All estates for which a settlement shall have been made, being liable for the revenue assessed upon them to the extent of the interests possessed by the person or persons who may have engaged with Government, as ratified and confirmed by the act of settlement, and by those deriving title from such person or persons, unless otherwise especially provided, no sale shall be annulled on the plea, that the arrear demanded accrued, while the engager or his representative was divested of possession and management of the estate sold by the act of an individual, or by the collector or other officer acting under the order of a court of judicature, or attaching the estate by virtue of the powers vested in him by this, or any other regulation.

Sales to be made conformably with advertisement.

By whom, and where to be made, if at Board.

And by whom, and when in *xillah*.

XII. Sales shall be made at the place and time specified in the advertisement. If the sale shall have been advertised to take place at the Board of Revenue, or other authority exercising the powers of that Board, then it shall be held in the building or tent used as an office by the Board, or authority aforesaid, or in some convenient and public apartment, or other open and convenient place thereunto belonging or adjoining, in the presence of the secretary, or that of one of the members of the Board, or other authority as aforesaid, or of a covenanted officer duly empowered by the same to hold the sale. If the sale shall have been appointed to take place in the *xillah*, then it shall be held in the presence of the collector, or other authorized covenanted civil servant in public *cutcherry*, that is to say, in some building or tent used as an office and open to the public, or other open and convenient place thereunto belonging or adjoining. Provided also, that in the morning of the day of sale and whilst the sale shall be going on, the collector or other officer shall cause a flag to be exhibited, or such other signal to be given at the door, or gateway of the office where the sale may be conducted, as the Board of Revenue may direct.

Every one's bid to be received.

But before concluding sale, collector shall satisfy himself:

1st. That bidder can make required deposit.

2d. That he is not a person forbidden to purchase.

3d. That the ostensible purchaser is the real one.

What deposit to be made by purchasers.

XIII. When the bidding shall have commenced, it shall be the duty of the collector to receive the bid of every one without inquiry, but prior to knocking down the lot and concluding the sale, he shall call upon the person, who may have made the last offer, in order to satisfy himself on the following points.

1st. That the bidder has the means of making the deposit hereafter directed to be taken.

2ndly. That he is not the defaulter, or an officer of his own establishment, or a person acting on behalf of either the defaulter or such officer.

3dly. That the person or persons named, is or are the real *bona-fide* purchaser or purchasers on their own account and risk.

XIV. *First.* A deposit of 15 per cent. on the amount bid, or such other rate as the Board of Revenue, or other similar authority, may from time to time direct, shall be required by the collector from the person in whose name any lot may be knocked down, immediately on declaring the sale concluded, or as soon after, as the collector may think necessary.

*Second.*

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*Second.* If the person who may have made the last offer shall not, when called upon, forthwith tender the prescribed deposit, the collector shall be at liberty to reject the bid, and to put up the lot again at the amount of the next highest offer. The person who may have made such offer, shall have the benefit of his bid, and be held bound to maintain it, by tendering the required deposit, if no higher offer shall be made; and on his failure to do so, the collector shall be competent to have recourse to the next highest bidder: provided however, that it shall at all times be competent to the collector, at his discretion, to commence the sale of the estate *de novo*, instead of concluding the sale with the next highest bidder.

If deposit not tendered when required, the lot to be again put up.

*Third.* Any person bidding at a public sale, who upon being called upon to conclude his purchase and lodge the prescribed deposit, may be unable, or may refuse to do so, shall be deemed guilty of contempt, and the collector shall be competent to impose a fine of an amount not exceeding 100 rupees, for every such offence, and if the fine be not paid, to send the delinquent to the judge of the district, who shall confine him in the civil jail, until the fine is paid, or for a period not exceeding fifteen days.

Persons failing to make deposit, how punishable.

XV. *First.* If at a public sale for arrears, the collector shall see reason to believe, that the highest bidder, or person with whom he is about to conclude a sale, is purchasing for the defaulter, or has given in a fictitious name, concealing that of the true purchaser or purchasers, or has stated as the purchaser the name of a person other than the party or parties with whose money, at whose risk, and for whose benefit the purchase may have been made, or has concealed the name of any such party, it shall be competent to him to refuse to conclude the sale. In every such case however, he shall hold a proceeding in the Persian language, stating distinctly the grounds of his belief, and the reason of his setting aside the individual, and disallowing his purchase: provided also, that in such cases the party so bidding shall be liable to a fine equal in amount to the deposit which would have been paid, had the sale been concluded at the price bid, or to such other fine not exceeding that amount, as the Board may, on the report of the collector, see fit to impose; all such fines adjudged by the Board, shall be recoverable by the process in use for the recovery of arrears of revenue from *sudder* farmers and their sureties.

In what cases collector may refuse to conclude a sale with highest bidder.

Collector in such cases, to record the grounds of refusal.

Penalty for bidding by defaulter, or *benamce*, if purchase be disallowed.

*Second.* It shall be in the power of any person whose purchase may be disallowed, to appeal from the collector's order to the Board of Revenue, or other authority exercising the powers of that Board, and provided he give in to the collector a written protest, claiming the lot before the breaking up of the *cutcheree*, or at the next sitting of the collector, or transmit a petition to that effect to the Board within 24 hours of the conclusion of the sale, it shall be competent to the Board, or other authority aforesaid, to direct the sale to be concluded with the party disallowed, to the prejudice of any other purchaser at an inferior price.

Persons whose purchase is disallowed by collector, may appeal to the Board.

XVI. The term defaulter, wherever used in this regulation, shall be deemed and considered to designate the person or persons with or on account of whom the settlement of the land revenue may have been concluded with Government, or the heirs, successors, or assignees of such person or persons, in possession of the interest acquired or confirmed by such settlement. And it shall not be construed to include those proprietors, *putteedars*, village *zemin-dars*, or the like, who at the time of the settlement held distinct properties, through paying their revenue through the recorded *malguzar*, save and except in so far as those persons may be expressly declared responsible to Government.

The term defaulter explained, to mean the person with whom settlement has been made by Government, or his representatives.

XVII. No sale shall be liable to be reversed on account of any proceedings, or order of the collector, or of the Board of Revenue, or other authority exercising the powers of that Board, touching the question of, whether a purchase is to be allowed or not: nor shall any action lie against Government on account of any such proceeding, or order.

Sales not to be set aside on plea of wrongful disallowance, but defaulter, if aggrieved, may sue for damages.

XVIII. *First.* Should the collector or other person conducting the sale, either at the time of concluding the sale, or at any subsequent time before the sale may have been confirmed by the Board of Revenue, or other authority exercising the powers of that Board, see reason to believe, that the real purchaser is a person on his establishment, or in any way connected with the management of the collections of the *xillah* or *pergunnah* within which the lot sold may be situated, he shall nevertheless conclude the sale and realize the purchase money, having recourse, if necessary, to the process prescribed for the recovery of arrears

Collector how to proceed, in the case of purchase by revenue officer.

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due from *sudder* farmers or their sureties. It shall in such case be his duty to institute an immediate investigation, in order to bring the matter to proof, and the result of any proceedings that may be held upon such an investigation, shall be submitted to the Board of Revenue, or other authority aforesaid, who will determine whether the fact be established, or otherwise. Should they consider it to be proved, that the real purchaser is an individual employed at the time on the collector's establishment, or otherwise in the collection of the revenue of the local division within which the lot is situated, the Board, or other authority aforesaid, shall report the circumstances to the Governor General in Council, who will, if he deem it expedient, direct the lot to be attached, and held for Government, or to be resold or escheated, or otherwise disposed of at his pleasure. The amount of the purchase money shall in that case be credited to the defaulter in the same manner as if the sale stood good, and if the purchaser contest the fact of his being a person prohibited from purchasing, he shall have his remedy in an action at law, for the recovery of any amount he may have paid into the treasury, with interest and damages.

Governor General may confiscate.

Purchaser may contest by suit in court.

Collector how to proceed, on discovery of *benames* purchase, before delivering possession.

XIX. If at any time after the conclusion of the sale, and before the receipt of the Board's confirmation and the delivery of possession, the collector shall see reason to believe, that the name or names given in at the time of sale was, or were other than the name or names of the real *bonâ fide* purchaser, or purchasers, he shall be competent to stay delivery of possession, and to institute an investigation to bring the matter to proof. On completion of the inquiry, he shall communicate the result to the Board of Revenue, or other authority exercising the powers of that Board, who shall be competent to annul the sale, and to direct the lot to be resold, and also to impose upon the party, who bid at the sale, such fine as they may see fit, not exceeding the amount of the deposit paid, or payable on the price at which the sale was concluded. The fine so imposed shall be realized from the deposit, if it shall have been paid, or shall be recoverable, if the deposit shall not have been paid, by the process in use for the recovery of arrears of revenue from *sudder* farmers, and their sureties.

After possession given, the purchaser shall not be ousted without suit in court.

XX. *First.* When the Board of Revenue, or other authority exercising the powers of that Board, shall have confirmed a sale, and possession shall have been given to the purchaser, he shall not be liable to be disturbed on the plea of any illegality in the purchase, excepting by decree of a court of justice in a regular suit.

Process to be followed in case of *benames* purchase discovered after possession given.

*Second.* If at any time after a sale may have been confirmed and possession given, it shall be discovered, that the real purchaser is the defaulter, or a person other than the person who may have been designated as the purchaser at the time of sale, and the fact shall be established by a decree of a court of judicature, whether at the suit of Government, or of an individual, in which latter case information shall be given by the court passing the decree to the collector, then if Government or its officers were not a party to the suit, it shall be competent to the collector with the sanction of the Board of Revenue, or other authority aforesaid, to impose on the party so offending, a fine not exceeding 25 per cent. on the amount of the purchase money, or if it shall appear advisable, and provided a period of two years shall not have elapsed from the date of sale, to cancel the sale, and to dispossess the purchaser, or his representative or representatives, (if put in possession,) returning to him, or them, three-fourths of the price realized at the public sale.

Also where revenue officer may purchase.

*Third.* If after possession has been given, it shall be proved by a decree of court, that an estate has been illegally purchased by a revenue officer of Government, whether the suit shall have been instituted by the collector on the part of Government, or by the former owner of the estate sold, or by any other party, who may be induced to prosecute by the hope of reward, by any, or all of which persons, a suit to enforce the prescribed penalty may be brought, the court shall, in case there be no appeal lodged from the decree, or if there be appeal, the court passing the final judgment shall forward the decree to the Governor General in Council, in order that a confiscation of the estate may be declared. The Governor General in Council will be at liberty to dispose of any estate so confiscated, according to his pleasure.

Collector how to proceed, if purchase money be not paid in 10 days.

XXI. *First.* The entire amount of the purchase money shall, in all cases of sale for arrears of the public revenue, be made good by the 10th day from the day of sale, and if the

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whole sum, including the amount deposited, be not made good before noon of that day, it shall be competent to the collector on the afternoon of the 10th day, or at such subsequent period as the Board of Revenue, or other authority exercising the powers of that Board, may from time to time direct, to notify by beat of drum, or by the issue of advertisements, or in such other manner as the Board or other authority aforesaid may direct, that the estate will be again exposed to sale on any subsequent day on which a sale of other lands may have been ordered to take place; and unless the first purchaser shall fully account to the satisfaction of the collector, or of the Board, for his failure to complete his purchase, the collector shall and may sell the estate so advertised for resale, at the risk of that person, who shall on his default forfeit the amount he may have already deposited, and all claim to the possession of the estate, as well as to all excess that may be realized at the second sale beyond the price at which the lot may have been sold in the first instance. If the price realized at the second sale be less than that of the first, the difference shall be leviable from the first purchaser by any of the processes authorized for realizing an arrear of the Government revenue; the amount when recovered to be added to the purchase money for the benefit of the defaulter, and if there is an advance on the resale, it shall be carried to the account of the defaulter.

Estate to be resold at risk of first purchaser.

*Second.* Provided also, that in such cases it shall be competent to the collector, with the sanction of the Board, instead of reselling an estate, the purchaser of which may so fail to make good his purchase, to restore the estate to the original proprietor, on his discharging or making satisfactory arrangements for the liquidation of any arrears which may be due therefrom, together with interest and all expenses incurred by the sale, or other authorized charges, for which he may be justly liable.

Or restored to late proprietor.

**XXII.** When the purchase money payable on account of any estate sold for arrears of revenue, or resold on failure of the first purchaser, shall be realized, the balance on account of which the sale may have been made, as well as any former balances remaining due from the estate, with all interest and charges up to the day of sale, and also (unless otherwise specially stipulated) any subsequent *kists* that may have fallen due up to that date, shall first be made good to Government therefrom. The residue shall belong to the defaulter or defaulters, and be payable to his or their receipt upon demand. The purchaser will be answerable for the entire *kists* of the Government revenue that may be due on account of the month in which the sale is held, (unless otherwise specially stipulated,) and for all subsequent *kists*; and it is hereby prohibited to the *ryots* and under-tenants to make any payments on account of rent, or revenue falling due subsequently to the day of sale, or on account of the month in which the sale may be held, to the defaulter, or to any person whatever claiming to collect them as *sudder mulguzar*, who may not bring a certificate or *umal-nama* under the seal and signature of the collector, authorizing him to do so, or a receipt for the advertised balance.

Purchase money how to be appropriated.

Responsibility of purchaser for the Government revenue, from what time to commence.

Under-tenants not to pay any rent falling due after day of sale, without authority from collector.

**XXIII.** Arrears that may be due at the time of sale from the under-tenants to the defaulter, shall be recoverable by him by suit in court, in the usual form; but if he shall choose to transfer his right therein to the new proprietor, the latter may proceed against the defaulting under-tenants for the recovery of the amount so due by them, in the same manner as if the arrears had accrued subsequently to his acquisition of the *mohaul*.

Arrears due to defaulter to be recovered by suit in the usual form, unless transferred.

**XXIV.** *First.* When any estate may be sold for the recovery of arrears of revenue, the collector shall, as soon as possible after the full amount of the purchase money shall have been realized, transmit a report of the sale and the accounts thereof, together with any proceedings he may have held upon the occasion, to the Board of Revenue, or other authority exercising the powers of that Board for confirmation, and no sale shall be deemed absolute, or entitle the purchaser to assume possession of the lands sold, until the confirmation of the Board, or other authority aforesaid, shall have been received.

Collector to report sales to the Board, and not to give possession until confirmed.

*Second.* If the party whose lands may have been sold, shall desire to contest the sale, it shall be competent to him to present a petition to the Board of Revenue, or other authority exercising the powers of that Board, at any time within thirty days from the date of sale, until which date, the Board, or other authority aforesaid, shall not issue any final order of confirmation. Provided also, that it shall be competent to the Board, or other authority aforesaid

Persons objecting to sale may petition the Board, who will allow time before confirmation.

said, to allow a further term, in case they deem it necessary, for the purpose of investigation or any other sufficient cause.

Board may annul sales, and their order in that case shall be final.

*Third.* If on perusal of the collector's proceedings, or the petition of the party, the Board or other authority aforesaid shall see sufficient ground for withholding their confirmation of the sale, it shall be competent to them to annul the sale, after making any further inquiry they may judge necessary, and they shall similarly be authorized to postpone their final orders for such time as may be requisite for the investigation of the case. The order of the Board of Revenue, or other authority exercising the powers of that Board, for annulling a sale, on whatever ground founded, shall be conclusive.

Sales may be contested by suit in court, though confirmed by Board.

XXV. If the Board of Revenue, or other authority exercising the powers of that Board, shall confirm the sale, it shall nevertheless be competent to the former proprietors, or any of them, to institute a suit in the civil court to contest its validity, and if it shall be established to the satisfaction of the court, that any one or more of the conditions above declared to be essential to the validity of a sale have not been observed, it shall be competent to the court to annul the sale: provided however, that the court shall not admit or take up any such plea, unless the same shall have been urged by the party in his petition to the Board, or other authority aforesaid, or unless the failure to do so, shall be satisfactorily accounted for.

But shall not be set aside, except on plea urged to the Board.

Suit to be dismissed, if failure of some condition of validity be not proved.

But court may adjudge damages for irregularity or the like.

XXVI. If the party suing shall fail to establish to the satisfaction of the court, that the sale is invalid by reason of the failure of any of the said conditions, the suit shall be dismissed; but if it shall appear to the court, in which the decision may be passed on the original suit or in appeal, that the proceedings of the collector or any of his officers have been improper or irregular, and that the plaintiff has been endamaged from that cause, it shall be competent to the court to adjudge such damages to the plaintiff as may appear equitable, in compensation for the injury sustained by him, and in such case to declare, whether the damages shall be paid by Government, or by the collector personally, or by any of his officers. Provided also, that it shall in such cases be competent to the court to submit to the Governor General in Council, a recommendation that the estate sold should be restored to the plaintiff, with a statement of the compensation, which it may appear equitable to allow to the purchaser, recording the same, with the reasons for it at length, on his decree; and whenever a case may be so submitted by any court, and no appeal may be lodged against the judgment, it shall be competent to the Governor General in Council, if he shall be satisfied that the case is one justifying such an interference, to cause the estate to be restored to the plaintiff, on his making the compensation recommended. But if the purchaser shall desire to retain his purchase, and the case be open to a regular appeal under the general regulations, the purchaser will of course be at liberty to appeal to the court possessing appellate jurisdiction, in order to contest the propriety of the recommendation submitted to Government, or of any part of it. In such case, the decision of Government will be suspended until the final judgment be passed; but if the purchaser shall merely contest the adequacy of the compensation proposed to be assigned to him, it shall be competent to the Governor General in Council, if he shall resolve to adopt the recommendation of the court passing the original decree, immediately to order the restoration of the estate to the former *zemindars*, on payment of the amount adjudged to be due as compensation to the purchaser; and in such event, the fee payable on the institution of appeal, shall be calculated on the difference between that amount and the sum claimed, but the appellant shall not be entitled to judgment on any other point than that pleaded, viz. the adequacy of the compensation adjudged. In such case, the estate shall be held to be mortgaged in security for the eventual judgment.

And may certify cases of hardship to Governor General in Council.

Who may restore the former proprietor,—compensation being made to purchaser in such cases.

Proviso for appeals in such cases so certified.

Sale not to be contested by a party who has received any portion of the purchase money.

All parties interested may apply to have the excess of the sale proceeds lodged in Government securities.

XXVII. *First.* No person shall be entitled to contest the validity of a sale after having received any portion of the purchase money: nor shall any part of the sale proceeds of any estate be liable for the debts of the late proprietor, whilst the validity of the sale may be under contest. Provided however, that it shall be competent to the purchaser, or any other party interested, after a suit may have been lodged to contest the sale, to apply to the collector or the Board of Revenue, or other authority exercising the powers of that Board, in order to have the excess of the proceeds of sale beyond the Government demand, vested in Government securities, at the rate of the day, which in that case shall, on the final decision

sion of the suit, be delivered to the person entitled to the same, with the interest which may have accumulated. And if no such application shall be made, interest shall not be demandable upon the unappropriated amount remaining in deposit in the Government treasury.

*Second.* Provided likewise, that if the sale of any estate be reversed by decree of court, by reason of the failure of any of the conditions specified in Section 5. of this regulation, and it be determined that an arrear was due by the late proprietor at the time of sale, the estate shall not be restored to the defaulter until the amount of the arrear shall have been made good with interest, and the Government shall, on restoring the purchase money to the purchaser, pay to him the same rate of interest on the amount appropriated to the liquidation of its demand, as may be recoverable from the defaulter. In like manner, in cases in which it may be determined that no arrear was due at the time of sale, Government shall be answerable to the purchaser for any sums so appropriated, with interest thereon.

**XXVIII.** *First.* On receiving the confirmation of a sale by the Board of Revenue, or other authority exercising the powers of that Board, the collector shall give possession to purchasers at the public sales of lands within their respective *xilluhs*, by publishing at the head *cutcheree* of the *pergunnah*, or other *mohaul* sold, and at the *cutcheree* of the *dewan-y adawlut*, in the jurisdiction of which, such *mohaul*, estate, or portion of estate, may be situated, a statement of the land sold, (as exhibited at the time of sale,) the name of the purchaser, the date of his purchase, and his succession to all the rights of the former possessor in the lands so exhibited. In the event of any further measures being necessary to put the purchaser in possession, the collector shall apply to the judge of the *xilluh* or city, within which the land may be situated, and on inspection of the proclamation above mentioned, the judge shall put the purchaser in possession of the property sold to him, as therein specified, by the usual process for giving possession of landed property under decrees of the courts of justice.

*Second.* Should obstacles be experienced in giving possession of an estate sold for arrears, whether in consequence of the opposition of the former proprietors, and the difficulty of settling their claims to reserved interests in any part of the lands sold, or from the opposition of persons asserting themselves to be in possession of *talooks* and other interests not affected by the process of sale for arrears, or because of boundary disputes with neighbouring *xemindars* or the like, or should the circumstances of the estate to be delivered over to the purchaser appear in other respects to render it expedient that a local commission should be appointed to inquire into the claims of the parties on the spot, in order to decide what lands shall be delivered over to the purchaser, and for what he shall be referred to a civil action against the opposite party, or *vice versa*, it shall be competent to the Governor General in Council to depute a covenanted civil servant as a commissioner for the said purpose, and it shall be competent to the commissioner appointed under the provisions of this section, to determine in the first instance the limits of the lands in which the purchaser is to be held to have acquired an interest by his purchase, and the nature and extent of the rights and interests to be possessed by him under that title, and to give possession accordingly; leaving any party dissatisfied with his award to prosecute their claims by a regular suit in the *adawlut* against the party in whose favour such awards shall have been given: and the awards of such commissioner shall be maintained, and acted upon by the courts of judicature in all summary, or interlocutory decisions, or orders, until it shall be altered or reversed by a regular decree of court. A commissioner appointed as aforesaid shall be guided by the same rules as are observed by the *xilluh* courts in the investigation and decision of summary suits, unless otherwise specially directed by the Governor General in Council, and shall be considered and be a court of civil judicature on all things relating to the cases falling within his cognizance, and to all persons concerned in such cases, whether as plaintiffs, or defendants, or their agents, or as witnesses summoned or examined in their behalf, and he shall possess and exercise in regard to such things or persons, as well as in regard to all persons whatsoever attached to, or in attendance at his *cutcheree*, the same powers and authority as are, or may be lawfully exercised in such matters by the *dewan-y adawlut* of the *xilluh*.

*Third.* If the late possessor shall dispute the right of the purchaser to any part of the property so delivered over to the purchaser, on the plea that it was not included in the purchase,

On sale being reversed, payment of the arrears due at the time of sale with interest, to be the condition of resuming possession.

Government to be answerable for the same interest on sums appropriated in payment of arrears as may be recovered from the defaulter.

Rules for giving possession.

Statements to be published at certain *cutcherees*.

If further measure necessary,

*Xilluh* judge to be applied to, and possession to be given as in case of decree.

In case of difficulty in giving possession from disputes regarding tenures or boundaries, or of other sufficient reason.

Governor General in Council may appoint a civil servant commissioner to determine summarily the points at issue.

Such commissioner to be, unless otherwise provided, a civil court, and to have jurisdiction as such.

Disputes as to extent of purchase between purchasers and late proprietor, how to be settled.

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chase, he (the former possessor) shall be at liberty to institute a regular suit in the *dewanny adawlut* for the recovery thereof; and in like manner, if the purchaser thinks himself entitled under the sale to any land, which the judge or officer appointed as above may not deliver over to him, he is at liberty to sue the late possessor for the same in the *dewanny adawlut*.

Disputes between purchaser and a third party as to extent of property conveyed by sale, how to be settled.

*Fourth.* If any other person, not being the late possessor of the estate sold, shall claim or assert an interest in any portion of the land delivered to the purchaser, on the plea that, (whether included in the sale, or not,) it formed no part of the property liable for the Government revenue assessed on the *mohaul* sold, he shall be at liberty to institute a suit for the recovery thereof, jointly against the former possessor of the *mohaul* sold and the purchaser. If the lands, or other property so claimed shall be adjudged to the plaintiff, costs of suit shall be payable by the late possessor of the *mohaul* sold, who shall further, if the land or property sued for, shall have been held by him as part of the estate sold, or shall have been clearly included in the sale, be compelled by the court to make adequate compensation to the purchaser.

Declaration as to extent of right conveyed by sale.

1st, where an estate may be sold for arrears accruing on another *mohaul*.

2d, where an estate may be sold in recovery of the revenue assessed upon it.

Proviso.

Persons claiming property, in an estate advertised, on what conditions to get possession.

**XXIX.** In cases in which any land belonging to a defaulter, or his surety, may be sold for the recovery of an arrear of revenue, not being the land on account of which the arrear may have accrued, then whether the said land sold be *malguzoree*, or *lakheraj*, the purchaser shall only be held to have acquired the rights, interests, and title possessed by the said defaulter or surety, in like manner as if the land had been sold by private sale, or under a decree of court in liquidation of a private debt. In the case, however, of an estate being sold for the recovery of any part of the revenue assessed upon it, since the act of sale transfers to the purchaser all the property and privileges which the engaging party possessed and exercised at the time of settlement, free from any accidents or incumbrances that may subsequently have been imposed, or have supervened thereupon, such as sale, gift, or other transfer, mortgage, marriage settlement, or other assignment, or the like, the property and privileges possessed and exercised as aforesaid, being perpetually hypothecated to Government, for the revenue assessed thereon, no claim of right founded on any act of the original engager or his representative, or on any plea impeaching the title by which the said engager may have held, shall be allowed to impugn the right of the revenue authorities to make the sale, or to bar or affect the title and interest conveyed to the purchaser by the sale. Provided however, that if Government shall have acquired or assumed the property of any estate subsequently to a settlement, and shall have conveyed the same to another, the estate shall be held subject to all just claims to which it was liable at the time of such conveyance: consequently the party ousted on the assumption or acquisition by Government, shall not be barred by a sale made after such conveyance of any right he may have possessed, to recover from Government the property so assumed or acquired by it. Provided also, that when any person claiming the proprietary right in any *mohaul* shall have instituted a suit in court for the recovery of the same, if the party in possession of such *mohaul* shall neglect to discharge the revenue payable on account thereof, and a sale of the *mohaul* for the recovery of the arrears due shall have been ordered by the Board of Revenue, or other authority exercising the powers of that Board, it shall be competent to the said plaintiff to make application to the court to be put in possession of the contested *mohaul*, on paying the arrears with interest and charges due, and giving security as hereinafter provided. The judge on receiving such application shall cause notice thereof to be given to the defendant or to his authorized agent or *vakeel*, and if the defendant shall not have discharged the arrear for the recovery of which the sale may have been ordered, with the interest and charges, by noon of the court day next preceding that fixed for the sale, he shall receive the amount tendered by the plaintiff, and shall cause him to be put in possession, subject to the rules for taking security in the case of appellants and defendants, contained in clause fourth, Section 11, Regulation XIII. 1808, transmitting the amount received as aforesaid, with the necessary precept, to the collector.

Under-tenures how affected by sale for arrears.

Where such tenures may be derivative from defaulters.

**XXX.** In pursuance of the principle of holding the estate of a defaulter answerable for the punctual realization of the Government revenue in the state in which it stood at the time the settlement was concluded, (at which time, by the dissolution of its previous engagements, Government must be considered to resume all rights possessed on the acquisition of the country, save where otherwise specially provided,) all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original en-



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gager, as well as all agreements with *ryots* or the like settled or credited by the first engager or his representatives, subsequently to the settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, shall be liable to be avoided and annulled by the purchaser of the estate, or *mohaul*, at the sale for arrears due on account of it, subject only to such conditions of renewal as attached to the tenure at the time of settlement aforesaid, saving always and except *bond-fide* leases of ground for the erection of dwelling houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, watercourses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect.

XXXI. The above rules regarding under-tenures are indispensable for the security of the public resources, and have accordingly been uniformly acted upon as a general and fundamental principle of the revenue system of this presidency : but as the application of the rules leaves an opening to abuse, by enabling a *zemindar*, who may have granted leases, or other temporary or permanent assignment of his land for a present money consideration, to annihilate the under-tenures so created by him, it is hereby provided, that it shall be competent to the Governor General in Council, when he shall see proper, at any time before a sale for arrears shall have been actually made, to direct it to be made, subject to the leases, assignments, or other incumbrances with which a proprietor in possession, his ancestors, or predecessors may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Governor General in Council shall be given by the collector at the time of calling up the lot for sale, and such further notification shall be made as the Governor General in Council may direct : provided however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the revenue will be endangered, it shall be competent to the Governor General in Council, at any time before such restricted sale shall have been finally confirmed under the rule contained in Section 22. of this regulation, to direct the sale to be cancelled, and a new sale of the estate to be made without restriction. If subsequently to confirmation, occasion should arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Governor General in Council to direct that the *mohaul* shall be sold without any restriction beyond what may have attached to the tenure at the original settlement, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Governor General in Council to direct a portion, or the whole of the excess to be paid to the persons whose interests having been reserved at the first, shall become void at the second sale.

Governor General in Council may reserve under-tenures.

XXXII. The above rules, or any other rules contained in the existing regulations, by which persons are declared competent, under certain restrictions, to annul engagements contracted between former proprietors, and their under-tenants, and in certain cases to enhance the rent payable by such tenants, shall not be construed to entitle the purchasers of land at public sales to disturb the possession of any village *zemindar*, *putteedar*, *mofussil talookdar*, or other person having an hereditary transferable property in the land, or in the rents thereof, not being one of the proprietors party to the engagement of settlement or his representative. Nor shall the said rule be construed to authorize any purchaser as aforesaid to eject a *khoddkhasht*, *kudeemee ryot*, or resident and hereditary cultivator, having a prescriptive right of occupancy. Nor shall a purchaser demand a higher rate of rent from an under-tenant of either of the above descriptions, than was receivable by the former *malguzar*, saving and except in cases in which such under-tenants may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former *malguzars* from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the *pergunnah*, *moosah*, or other local division, such under-tenants are liable to be called upon for any new assessment, or other demand not interdicted by the regulations of Government.

What under-tenures to be maintained.



*Mofussil* settlements how to be made by purchaser.

XXXIII. Persons purchasing at public sale, who may be desirous of enhancing the rents of their under-tenants, shall as heretofore be required in the absence of specific engagements to serve a formal notice of their intention, as prescribed in Section 9, Regulation V. 1812; but nothing in the said section was intended, or shall be construed to affect the right of any individual possessing a transferable or hereditary right of occupancy to contest the justness of the demand so made: and to pay his rent as heretofore, until the contrary shall be decided by a competent court of justice. Nor in any respect to annul or diminish the title of the *ryots* to hold their land subject to the payment of fixed rents, or rents determinable by fixed rates, according to the law and usage of the country.

If the lot sold be only portion of a *mohaul*, statement of the grounds of assessment to be exhibited at the time of sale, and other information to be given.

But this no guarantee to purchasers, either of the defaulter's title:

Or of the *jumma*, if subsequently found disproportionate.

New allotment may be ordered by Government within 10 years, as in case of *butwarra*s.

If the *jumma* allotted on sale of a portion of a *mohaul* be found too low, sale may be cancelled within 10 years, if purchasers refuse to allow fresh allotment.

Government may award compensation to be paid by the party benefited by re-allotment.

No abatement of *jumma* to be made, without the sanction of Government.

And revenue authorities, exclusively competent to take cognizance of questions touching the amount of assessment.

In case of a purchase by Government, the rules for *khas* management to be applicable.

Collectors to have the power of punishing for contempt.

XXXIV. If the lot sold form only a specific portion of an assessed *mohaul*, divided off for the purpose of sale, with a *jumma* specially assigned thereon, a statement of the grounds on which such assessment may have been fixed, shall be exhibited at the time of sale, for the information of purchasers, who will likewise be entitled to inspect any records of the office at which the sale may be conducted, that may be forthcoming, of a kind likely to give information as to the value of the lot. The statement, however, so exhibited, or other information howsoever procured, shall not be deemed to afford any guarantee to the purchaser of the title under which the late proprietor may have held the lands mentioned therein as part of the *mohaul* in arrear, or of their profit, or extent. Provided likewise, that in case it should subsequently be discovered, that the *jumma* settled on the portion of a *mohaul* so sold, is excessive, or substantially disproportionate, it shall be competent to the Governor General in Council, on the representation of the purchaser, his heirs, or assigns, made at any time within ten years from the date of sale, to order a new allotment of the *jumma* on the lands sold, and on the remainder of the *mohaul* from which the same may have been separated, on the principle prescribed for the cases of *butwarra*s; and in this case, all separations made at or after the time of sale shall be cancelled. Provided further, that in cases wherein the *jumma* assessed on a separated lot sold, shall from evident mistake, be fixed greatly too low, it shall be competent to the Governor General in Council, at any time within ten years from the date of sale, to cancel the sale, unless the purchaser consent to allow of a fresh allotment of the *jumma*. When a sale may be so cancelled, the amount of the purchase money shall be repaid to the purchaser, without interest, and if the late proprietor shall refuse, or fail to make good the amount when called on to do so, the lands sold shall become the property of Government: provided also, that whenever the *jumma* assessed on any lot shall be reduced under the above provisions, it shall be competent to the Governor General in Council to determine what compensation shall be paid by the purchaser who may benefit by such reduction of the assessment, or by his representative, to the party, or parties, the *jumma* of whose lands may be enhanced; or if the aforesaid purchaser or his representative shall refuse to pay the sum so awarded, to cause the lot to be resold, and after repaying to the purchaser, or his representative, the amount of his purchase money, without interest, to pay or distribute the remaining proceeds of the resale to or among the party or parties, the *jumma* of whose lands may be enhanced.

XXXV. It is hereby declared and enacted, that no abatement of a *jumma* once fixed by the revenue authorities, shall be made, except by the authority of the Governor General in Council; and it is hereby further declared, that the revenue authorities only are competent to take cognizance of any question affecting the amount of *jumma* assessed, or fixed on any lands paying revenue directly to Government, and that the fixing, altering, or modifying the amount of Government revenue on such lands, shall belong exclusively to those authorities, subject of course to the general control of the Governor General in Council.

XXXVI. If a collector shall at any time, being so instructed by either the Government or the Board, purchase on account of Government, an estate exposed to sale for the recovery of arrears of revenue, the rules applicable to the management of ordinary *malguzaree mohauls* held *khas*, or farmed, shall be considered applicable to such estate, and also to all other estates, the property of Government, according as they may be held *khas* or let in farm.

XXXVII. First. With a view to enable the revenue authorities to maintain due order in their *cutcherrées*, more particularly at the time of conducting judicial investigations and

## A. D. 1822. REGULATION XI.

and holding public sales, it is hereby enacted, that the Board of Revenue, or other authority exercising the powers of that Board, or any member thereof exercising separate authority, the collectors of land revenue, or other covenanted officer employed in the collection of the revenue, shall be competent to punish any contempt, outrage, or disturbance committed in open *cutcherree* in their presence, by fine to an extent not exceeding 100 rupees, commutable, if not immediately paid, to imprisonment in the *dewanny* jail of the district for a period not exceeding fifteen days. A similar power shall be vested in any officer employed in conducting public sales under the authority of the Revenue Boards.

*Second.* The orders passed in such cases by the aforesaid officers shall be final, saving the general powers belonging to the Board and to Government, of revising and controlling the acts of subordinate revenue officers; and the *zillah* judges are required, on receiving a copy of the order passed by such officer adjudging the aforesaid penalty, immediately to take measures to enforce the same, in the same manner as if a like penalty had been imposed by order of court.

XXXVIII. It is hereby declared and enacted, that Government is not, and shall not be held liable for any error or irregularity, which may have occurred, or shall occur in any order, proceeding, or decree of any court of judicature, whether a revenue or other officer of Government may or may not have been, or shall or shall not be employed, in giving effect to the order, proceeding, or decree deemed to be erroneous or irregular. Nor shall any officer of Government be held liable for any thing done, or suffered in conformity with an order, proceeding, or decree of a court as aforesaid, and if any person or persons shall sue Government or any officer of Government for any thing done or suffered under an order, proceeding, or decree of court as aforesaid, such person or persons shall be nonsuited, with costs. The same principle is and shall be held applicable to all orders, proceedings, or decrees made, held, or passed by any public officer, in virtue of powers vested in him for the judicial cognizance of any pleas, suits, complaints, or informations whatsoever, unless otherwise specially provided.

XXXIX. Nothing contained in this regulation shall be construed to limit, or affect the powers and authorities conferred by Regulation I. 1821, upon the *sudder* and *mofussil* commissioners acting under the provisions of that enactment, in regard to the annulment of sales.

Orders in such cases to be final, saving the power of control vested in the Boards and Government.

*Zillah* judges are to enforce the penalty ordered, in the manner as if adjudged by a court.

Government not liable for errors of the courts of justices, whether revenue officers be or be not employed in executing the court's orders.

This regulation not to interfere with Regulation I. 1821.



## A. D. 1823. REGULATION I.



**A REGULATION** to amend certain Parts of Regulation 1. 1821.—PASSED by the Governor General in Council on the 20th February 1823, corresponding with the 10th Phaugun 1229 Bengal era; the 25th Phaugun 1230 Fussily; the 11th Phaugun 1230 Willaity; the 10th Phaugun 1879 Sumbut; and the 7th Jummadee-us-Sanee 1238 Higeree.

**W**HEREAS the rule contained in the first clause of Section 3, Regulation I. 1821, has been construed as barring cognizance, by the commissioners acting under the provisions of the said regulation, of suits to recover possession of land, illegally or wrongfully disposed of by public sale, excepting in cases wherein the sale shall have been effected by the undue influence of a public officer : and whereas such a restriction of the jurisdiction of the said commissions appears to be, not only incompatible with the design of the said regulation, but also inexpedient ; inasmuch as it in many cases restrains the commissioners from annulling sales, of which the illegality has been fully established ; and exposes the parties who have suffered by such sales, to unnecessary expense and delay, that must attend the institution of a new suit in the ordinary civil court : and whereas it has appeared to the Governor General in Council to be advisable, that the commissions aforesaid should have cognizance of all suits and claims to recover possession of land, lying within the local limits to which their authority may extend, which may have been lost through, or by consequence of public sales, made in liquidation of alleged arrears of revenue within the period specified in clause first, Section 3, of the said regulation ; the following rules have been enacted, to be in force from the date of their promulgation.

**Preamble.**

II. *First.* Such part of clause first, Section 3, Regulation I. 1821, as restricts, or can be construed to restrict, the cognizance of the commissioners acting under the provisions of that regulation, in the matter of suits to recover possession of lands lost through public sales, to cases wherein such sales have been effected by the undue influence of a public officer, is hereby rescinded.

Part of clause first,  
Section 3, Regulation 1.  
1821, rescinded.

*Second.* In the several cases specified in clauses second, fourth, fifth, and sixth, Section 3, Regulation I. 1821, as well as in all cases wherein it may appear, that any plaintiff has been deprived of his rights by an illegal sale, made within the period specified in the first clause of the said section, it shall and may be lawful for the commissioners, acting under the provisions of that regulation, to take cognizance of any suit preferred to them, and to pass judgment on the same, although there may be no proof, that undue influence was exercised by any public officer to the injury of the plaintiff.

Commissioners acting under Regulation I. 1821, empowered to take cognizance of certain suits in cases specified in clauses second, fourth, fifth, and sixth, Section 3, Regulation I. 1821.

*Third.* Provided also, that in the cases specified in clause third, of the aforesaid section, if there shall be proof, or strong presumption that the purchase or acquisition of the property sued for, was effected by violence, extortion, oppression, or fraud, it shall not be necessary for the plaintiff to plead or establish, that undue influence was exercised.

In what cases undue influence need not be pleaded or established by plaintiffs.

*Fourth.*

## A. D. 1823. REGULATION I.

Commissioners empowered to re-hear suits which may have been dismissed by them under certain circumstances.

*Fourth.* Provided further, that in all cases, wherein the *mofussil* special commission may have dismissed the claim of any person suing under the provisions of the said regulation, on the ground that the case was not cognizable by the said commission, from default of proof that undue influence had been exercised, it shall and may be lawful for the commissioners aforesaid, to re-hear the suit, and to pass judgment thereon under the above provisions, in the same manner as if it had been preferred subsequently to the promulgation of this regulation.

*Sudder* special commission to be guided by this regulation.

*Fifth.* In like manner, the *sudder* special commission shall be guided by the provisions of this regulation, in all cases which may now be pending in appeal before them, or in which an appeal may hereafter be preferred to them; and in cases wherein their decree or order may have been for the dismissal of any suit, on the ground that the exercise of undue influence was not established, it shall and may be lawful for the said *sudder* commission to review the case, and to pass judgment thereupon, in the same manner, as if the case had been instituted subsequently to the promulgation of this regulation.

## A. D. 1823. REGULATION II.



A REGULATION for the more effectual Suppression of Affrays.—PASSED by the Governor General in Council, on the 20th March 1823; corresponding with the 8th Chyte 1229 Bengal era; the 23d Chyte 1230 Fussily; the 9th Chyte 1230 Willaity; the 8th Chyte 1880 Sumbut; and the 6th Rujeeb 1238 Higeree.

**W**HEREAS the offence of affrays regarding land, and arising from other causes, is still extremely prevalent: and whereas, with a view to obviate the ill consequences that might result from too great a degree of lenity in the sentences passed upon proof of this offence before the court of circuit, it has been deemed advisable to fix a *minimum* of punishment in such cases for those courts; the following rules have been passed, to be in force, from the time of their promulgation, throughout the territories immediately dependent on the presidency of Fort William.

Preamble.

II. From and after the promulgation of this regulation, whenever any person or persons committed for trial to the court of circuit, on a charge of affray attended with homicide, shall be convicted by the law officer, with the concurrence of the judge of circuit, of the offence above-mentioned, it shall not be competent to the judge of circuit, to sentence the person or persons so convicted, to a less term of imprisonment than five years from the date of such sentence, with or without labour and corporal punishment.

Persons duly convicted before the courts of circuit, of a charge of affray attended with homicide, not to be sentenced to a shorter period of imprisonment than five years.

III. Whenever, with regard to any person or persons so convicted, the judge of circuit shall be of opinion, that the punishment above stated is more than adequate to the offence, he shall issue no sentence in the trial, but shall refer the case for the sentence of the Nizamut Adawlut, setting forth at large, in his letter of reference, the grounds on which he may apply for a mitigation.

But in instances in which the above sentence may appear too severe, the cases to be referred to the Nizamut Adawlut.

IV. Nothing in this regulation shall be construed to alter the existing rules, by which a judge of circuit is competent, in such cases, to pass a sentence of seven years' imprisonment, with or without the addition of labour and stripes, or those by which, where he may consider even that punishment to be inadequate to the offence, he is authorized to refer the trial, for a still heavier punishment, to the court of Nizamut Adawlut.

The foregoing rules not to alter certain other existing provisions for the punishment of persons convicted of affrays.



## A. D. 1823. REGULATION III.



A REGULATION for preventing the Establishment of Printing-Presses without License, and for restraining, under certain Circumstances, the Circulation of printed Books and Papers.—PASSED by the Governor General in Council, on the 5th April 1823 ; corresponding with the 24th Chyte 1229 Bengal era ; the 10th Chyte 1230 Fussily ; the 25th Chyte 1230 Willaity ; the 9th Chyte 1880 Sumbut ; and the 22d Rujeeb 1238 Higeree.

**W**HEREAS it is deemed expedient to prohibit, within the territories immediately subordinate to the presidency of Fort William, the future establishment of printing-presses, and the use of any such presses, or of types or other materials for printing, except with the previous sanction and license of Government, and under suitable provisions to guard against abuse : and whereas it may be judged proper to prohibit the circulation, within the territories aforesaid, of particular newspapers, printed books, or papers of any description, whether the same may be printed in the town of Calcutta or elsewhere ; the following rules have been enacted, to be in force from the date of their promulgation within the territories immediately subordinate to the presidency of Fort William.

Preamble.

II. No person shall print any book or paper, or shall keep or use any printing-press, or types, or other materials, or articles for printing, without having obtained the previous sanction and license of the Governor General in Council, for that purpose ; and any person who shall print any book or paper, or shall keep or use any printing-press or types, or other materials, or articles for printing, without having obtained such license, shall be liable, on conviction before the magistrate, or joint magistrate of the jurisdiction in which such offence may be committed, to a pecuniary fine not exceeding one thousand rupees ; commutable, if not paid, to imprisonment without labour, for a period not exceeding six months.

• The printing of books and papers, and the use of printing-presses prohibited, except with the license of Government.

Violation of this rule, how punishable.

III. The magistrates and joint magistrates are further authorized and directed to seize and attach all printing-presses and types, and other materials or articles for printing, which may be kept or used within their respective jurisdictions without the permission and license of Government, and to retain the same (together with any printed books or papers found on the premises) under attachment, to be confiscated or otherwise disposed of, as the Governor General in Council, (to whom an immediate report shall be made in such cases,) may direct ; and if any magistrate or joint magistrate shall, on credible evidence, or circumstances of strong presumption, have reason to believe, that such unlicensed printing-presses or types, or other materials, or articles for printing, are kept or used in any house, building, or other place, he is authorized to issue his warrant to the police officers to search for the same, in the mode prescribed in the rules for the entry and search of dwelling houses, contained in clauses fifth, sixth, and seventh, Section 16, Regulation XX. 1817.

Unlicensed printing-presses to be attached by the magistrates, and to be disposed of as the Government may direct.

Under what circumstances magistrates may issue warrants for the search of houses.

IV. Whenever any person or persons shall be desirous of keeping or using any printing-press or types, or other materials or articles for printing, he or they shall state the same by a

Persons desirous of keeping or using print-



## A. D. 1823. REGULATION III.

ing-presses, how to apply for a license.

Circumstances to be specified in the application.

And how to be verified.

Application to be forwarded to Government, who will grant or withhold the license.

The conditions which may be annexed to such license to be communicated, both verbally and in writing, to the parties concerned.

Power of recalling such licenses reserved to Government.

Notice of recall how to be served.

Penalties attaching to persons who may use such printing-presses after notice of recall.

The first and last pages of books and papers printed at a licensed press to contain certain specifications.

A copy of every book and paper printed at a licensed press, to be forwarded to the magistrate, and by him to Government.

Notice how to be given, if the circulation of any newspaper or printed book shall be prohibited by Government.

The wilful circulation of such prohibited papers how punishable, if the offence be committed by persons subject to the authority of the *sillah* and city courts.

written application to the magistrate, or joint magistrate of the jurisdiction, in which it may be proposed to establish such printing-press. The application shall specify the real and true name and profession, cast or religion, age, and place of abode of every person or persons who are, (or are intended to be,) the printers and publishers, and the proprietors of such printing-press or types or other materials or articles for printing, and the place where such printing-press is to be established; and the facts so stated in the application, shall be verified on oath, or on solemn obligation, by the person therein named as the printers, publishers, or proprietors, or by such of them as the magistrate, or joint magistrate may think it expedient to select for that purpose.

V. The magistrate or joint magistrate shall then forward a copy of such application (with a translation, if it be not in the English language) to the Governor General in Council, who after calling for any further information which may be deemed necessary, will grant or withhold the license, at his discretion.

VI. If the license shall be granted, the magistrate or joint magistrate will deliver the same to the parties concerned, and will apprise them, both verbally and in writing, of the conditions which Government may in each instance think proper to attach to such license.

VII. The Governor General in Council reserves to himself, the full power of recalling and resuming any such license, whenever he may see fit to do so. Such recall will be communicated by the magistrate or joint magistrate, by a written notice to be delivered at the house, office, or place, named in the application, as that at which the printing-press was to be established, or at any other house, office, or place, to which such printing-press may, with the previous knowledge and written sanction of the magistrate or joint magistrate, have been intermediately removed.

VIII. Any person or persons, who after such notice being duly served, shall use, or cause or allow to be used, such printing-presses or types, or other materials or articles for printing, shall be subject to the penalties prescribed in Section 2. of this regulation; and the printing-presses, types, and other materials or articles for printing, (together with all printed books and papers found on the premises,) shall be seized, attached, and disposed of in the manner prescribed in Section 3. of this regulation.

IX. All books and papers which may be printed at a press duly licensed by Government, shall contain on the first and last pages, in legible characters, in the same language and character as that in which such book or paper is printed, the name of the printer, and of the city, town, or place, at which the book or paper may be printed; and of every book and paper printed at such licensed press, one copy shall be immediately forwarded to the local magistrate or joint magistrate, who will pay for such books or papers the same prices as are paid by other purchasers; all such books and papers, if printed in the English, or other European language, shall be forwarded by the magistrate, or joint magistrate to the office of the chief secretary to Government, and if printed in any Asiatic language, to the office of the secretary to Government in the Persian department.

X. If the Governor General in Council shall at any time deem it expedient to prohibit the circulation, within the territories immediately subordinate to the presidency of Fort William, of any particular newspaper, or other printed book, or paper of any description, (whether the same may be printed in the town of Calcutta or elsewhere,) immediate notice of such prohibition will be given in the Government Gazette, in the English, Persian, and Bengalee languages. The officers of Government, both civil and military, will also be officially apprised of such prohibition, and will be directed to give due publicity to the same, within the range of their official influence and authority.

XI. Any persons subject to the authority of the *sillah* and city courts, who after notice of such prohibition, shall knowingly and wilfully circulate, or cause to be circulated, sell, or cause to be sold, or deliver out and distribute, or in any manner cause to be distributed, at any place within the territories subordinate to the presidency of Fort William, any newspaper, or any printed book, or paper, of any description so prohibited, shall, on conviction before the magistrate, or joint magistrate of the jurisdiction in which the offence may be committed, be subject, for the first offence, to a fine not exceeding one hundred rupees; com-

### A. D. 1823. REGULATION III.

mutable if not paid, to imprisonment without labour, for a period not exceeding two months ; and for the second, and each and every subsequent offence, to a fine not exceeding two hundred rupees, commutable to imprisonment without hard labour, for a period not exceeding four months.

XII. If the person who may commit the offence described in the preceding section, shall not be amenable to the authority of the local magistrate, or joint magistrate, the Governor General in Council will adopt such measures for enforcing the prohibition notified in pursuance of Section 10, as may appear just and necessary.

The offence how punishable, if committed by a person not subject to those courts.

XIII. All judgments for fines given by the magistrate and joint magistrate under this regulation, shall be immediately reported, (with a copy and abstract translation of the proceedings held in each case,) for the information and orders of the Governor General in Council, who reserves to himself a discretion of remitting or reducing the fine, in any instance in which he may judge it proper to do so.

Judgments passed by magistrates under this regulation, to be reported to Government.



## A. D. 1823. REGULATION IV.



A REGULATION for declaring the Intent of Section 14, Regulation VII. 1794, and for prohibiting the Judges of Circuit holding the Jail Deliveries, from trying any Case in which the Prisoner or Prisoners may have been committed for Trial by themselves, in the Capacity of Superintendent of Police, Magistrate, Joint Magistrate, or Assistant Magistrate; for modifying the third and fourth Clauses of Section 2, Regulation XIV. 1811, and for rescinding Sections 4. and 5, Regulation XXIV. 1814, and Sections 2. and 4, Regulation XXV. 1814.—PASSED by the Governor General in Council on the 29th May 1823, corresponding with the 17th Jeyte 1230 Bengal era; the 5th Jeyte 1230 Fussily; the 18th Jeyte 1230 Willaity; the 4th Jeyte 1880 Sumbut; and the 17th Ramzaan 1238 Higeree.

**W**HEREAS from the wording of Section 14, Regulation VII. 1794, (extended to Benares by Section 21, Regulation XVI. 1795,) of Section 8, Regulation IV. 1797, and of Section 24, Regulation VII. 1803, doubts have been entertained whether, in the event of the absence of the Mahomedan law officers of the court of circuit from indisposition or other cause, it is competent to a judge of circuit holding a jail delivery to employ any other than the law officer of the station at which he may be holding the jail delivery: and whereas, with a view to secure an impartial trial before the courts of circuit in all cases, it is expedient that every such officer should be prohibited from trying any case in which the prisoner or prisoners may have been committed for trial by himself in the capacity of superintendent of police, magistrate, joint magistrate, or assistant magistrate: and whereas it is judged expedient to modify the provision contained in clauses third and fourth, Section 2, Regulation XIV. 1811, regarding certain prisoners confined in the Allipore jail, and to rescind Sections 4. and 5, Regulation XXIV. 1814, and Sections 2. and 4, Regulation XXV. 1814; the following rules have been enacted, to be in force from the time of their promulgation in the territories immediately subordinate to the presidency of Fort William.

Preamble.

II. The intent of Section 14, Regulation VII. 1794, (extended to Benares by Regulation XVI. 1795,) of Section 8, Regulation IV. 1797, and of Section 24, Regulation VII. 1803, is hereby declared to have been agreeable to the rules enacted in the two following sections.

Section 14, Regulation VII. 1794, Section 8, Regulation IV. 1797, and Section 24, Regulation VII. 1803, explained.

III. Every trial which may have been held before a court of circuit, in which any one of the established law officers of the several *zillah* or city courts may have been employed, (in the absence of the law officer of the court of circuit,) to be present at such trial, and to give a *futwa* therein, is hereby declared to be as valid and legal as if the law officer of the court of circuit had been present at such trial, and given such *futwa*; any thing in the existing regulations notwithstanding.

Rule declaratory.

IV. Whenever the law officer of a court of circuit may be prevented by indisposition or other cause from attending that court whilst sitting at any *zillah* or city station, the Mahomedan law officer of the *zillah* or city court at which the jail delivery is holding, or in the

Rule prospective.

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event of such law officer's inability to attend, the law officer of the neighbouring or other *xillah* or city station, (being the nearest from which a law officer may be procurable,) shall be employed to be present at the trial and to give his *futwa* therein, and every such *futwa* shall be as valid and of as full effect as the *futwa* of a law officer of the court of circuit.

The judge of circuit to record the law officer's name and station on the proceedings of each trial.

V. The judge of circuit presiding at the jail delivery shall record upon the proceedings of each trial the name of the law officer who may be present ; and where he may be other than the law officer of the court of circuit, shall specify the *xillah* or city court to which the law officer so employed may be attached, and where the law officer called in may be other than the law officer of the *xillah* or city station at which the session is holding, shall state the cause of the non-attendance of the law officer of such *xillah* or city station, as well as the cause of the absence of the established law officer of his own court.

No judge of circuit to try his own commitments.

VI. From the time of the promulgation of this regulation, no judge of circuit, whether fully appointed or officiating, shall, on any account, preside at the trial of any case in which the prisoner or prisoners may have been committed for trial by himself, in his capacity of superintendent of police, magistrate, joint magistrate, or assistant magistrate. In all such cases, the trial shall be postponed until it can be brought before another judge of circuit, or person appointed to officiate as such ; and a report of the case shall be made to the court of Nizamut Adawlut, who will determine whether any special provision shall be made for the immediate trial of the case, or whether it shall be left over to the next session of jail delivery.

The third and fourth clauses of Section 2. Regulation XIV. 1811, modified.

VII. In modification of the provisions contained in the third and fourth clauses of Section 2, Regulation XIV. 1811, the superintendent of the jail at Allipore is hereby vested with authority to employ, in the repair of the public roads, or in other public works beyond the area of the jail, any of the convicts who are now, or may hereafter be sentenced to imprisonment for life in the jail at Allipore, and who may be subject to hard labour. The superintendent will be careful to exercise this authority with due regard to the character and circumstances of the convicts, and will adopt suitable precautions to guard against their escape.

Sections 4. and 5, Regulation XXIV. 1814, and Sections 2 and 4, Regulation XXV. 1814, rescinded.

VIII. The provisions of Sections 4. and 5, Regulation XXIV. 1814, and of Sections 2. and 4, Regulation XXV. 1814, are hereby rescinded.

# A. D. 1823. REGULATION V.



A REGULATION for giving Currency, throughout the Provinces dependant on the Presidency of Fort William, to Rowannahs issued by the Officers in Charge of the Delhi Territory; for reducing the Transit Duty chargeable on Piece Goods, the Manufacture of the British Territories, from  $7\frac{1}{2}$  to  $2\frac{1}{2}$  per Cent. ; and for making certain other Alterations in the Rules applicable to the Collection of Customs —  
 PASSED by the Governor General in Council on the 19th June 1823 ; corresponding with the 6th Assuar 1230 Bengal era ; the 26th Jeyte 1230 Fussily ; the 7th Assuar 1230 Willaity ; the 11th Jeyte 1880 Sumbut ; and the 8th Sawaul 1238 Higeree.

**W**HEREAS it has been determined to assimilate the rules under which the collection of customs, within the Delhi territory is to be conducted, to the provisions contained in Regulation IX. 1810, and other subsequent regulations; and particularly to extend to the commerce of the said territory, the benefit of the rule, whereby merchandise, having once been subjected to the prescribed duty, be freely transported from place to place, throughout the provinces, to which the said regulation is applicable: and whereas it has also appeared to be expedient and proper to reduce the transit duty, with which piece goods, the manufacture of the Company's territories, are chargeable, under the provisions of the regulation above-mentioned: the following rules have been enacted, to be in force throughout the territories immediately dependant on the presidency of Fort William.

Preamble.

II. *First.* Section 17, Regulation IX. 1810, is hereby rescinded.

*Second.* The rules contained in clause third, Section 12, and clause first, Section 23, of the aforesaid regulation, shall be applicable to goods, on which the transit duties, prescribed by that and subsequent regulations, shall have been paid within the Delhi territories; and to the *rowannahs* issued by the revenue officers in charge of the several divisions of that territory on the payment of said duties.

III. *First.* The provisions contained in Regulation IX. 1810, and subsequent regulations, relative to the duty to be charged on piece goods, are hereby declared subject to the following modifications.

*Second.* On piece goods, (cotton, silk, and mixed,) the manufacture of the Company's territories, a transit duty shall be levied, at the rate of  $2\frac{1}{2}$  per cent. instead of the duty of  $7\frac{1}{2}$  per cent. prescribed by the aforesaid regulation.

*Third.* Piece goods, the manufacture of the Company's territories, shall, on importation by sea, be similarly charged with a duty of  $2\frac{1}{2}$  per cent.

*Fourth.* Piece goods, which shall have paid the transit duty of  $2\frac{1}{2}$  per cent. shall on exportation by sea from Calcutta, or any other port, or place belonging to this presidency, be further charged with the duties specified in the schedule, annexed to this regulation, with the exceptions therein provided.

*Fifth.* Piece goods for which *rowannahs*, or proof of import by sea, may not be produced by the exporters, shall on exportation by sea be charged with a duty of two and a half

Section 17, Regulation IX. 1810, rescinded.

Certain rules of that regulation declared applicable to goods on which certain transit duties may have been paid in the Delhi territories, and to the *rowannahs* for those goods.

Certain rules of Regulation IX. 1810, and other regulations, modified.

Transit duty leviable on certain piece goods reduced from  $7\frac{1}{2}$  per cent. to  $2\frac{1}{2}$ .

The same duty leviable on certain piece goods imported by sea.

Duty on piece goods exported by sea.

Further duty on exportation, in failure to produce *rowannahs*.

# A. D. 1823. REGULATION V.

half per cent. in addition to the duty, to which, if covered by a *rowannah*, they would be subject under the foregoing clause.

Drawback not to be paid, in what cases.

*Sixth.* No drawback shall be paid on piece goods, which shall have been charged with a transit, or import-duty of  $2\frac{1}{2}$  per cent.

Authority vested in collectors of customs, in cases of under-valuation of piece goods.

*Seventh.* Persons applying for *rowannahs*, are already required to specify in their applications, the value of the goods to be passed: it is hereby further enacted, that, if in any case, a collector of customs shall have reason to believe, that any piece goods, for which a *rowannah* may have been issued, are considerably undervalued; it shall be competent to him to take the goods on paying to the owner, or person in charge of the same, a sum equal to the value specified in the application, with an addition of 10 per cent. on the amount and interest at the rate of 8 per cent. per annum, from the date of *rowannah*.

Schedule.

Schedule of duties payable on exportation by sea, of cotton and silk piece goods, and goods made partly of silk, imported from the interior of the country.

	On British Bottoms.	On Foreign Bottoms.
Cotton piece goods, the manufacture of the British Territories,	free	$2\frac{1}{2}$
Do. the manufacture of Oude or other foreign States,		
If exported to Europe, . . . . .	free	$7\frac{1}{2}$
If exported to other quarters, . . . . .	$2\frac{1}{2}$	$7\frac{1}{2}$
Silk and mixed Piece Goods,		
If exported to Europe, . . . . .	free	$7\frac{1}{2}$
If exported to other quarters, . . . . .	$2\frac{1}{2}$	$7\frac{1}{2}$

## A. D. 1823. REGULATION VI.



A REGULATION for authorizing the Institution of summary Suits to enforce the Execution of certain written Engagements for the Cultivation and Delivery of Indigo Plant, and for declaring certain Principles in Regard to the same.—PASSED by the Governor General in Council on the 10th July 1823; corresponding with the 27th Assaer 1230 Bengal era; the 17th Assaer 1230 Fussily; the 28th Assaer 1230 Willaity; the 2d Assaer 1880 Sumbut; and the 29th Sawaul 1238 Higerree.

THE poverty of the lower orders in India, and particularly of those employed in agriculture, occasions the general use of borrowed capital for the production of the chief articles of trade and consumption. The capitalist advances his money and sometimes the seed likewise, upon a contract to receive the produce of a defined quantity of land, either at a certain fixed price, or at rates to be subsequently determined with reference to the marked price at a specified season; and this system is understood, generally, to prevail in the province of Bengal, in the cultivation of the plant from which the indigo dye is extracted. According to the existing regulations, if the contracting *ryot* should fail to cultivate the land in the manner specified, or having so cultivated the land, should sell the produce to another, or otherwise defraud his creditor and fail to execute his contract by delivery of the stipulated article, the person with whom he has so contracted has no other remedy than a regular action for the recovery of the penalty conditioned in the agreement. It is usual for the courts of justice, in decreeing such causes, to award such limited penalty as may, in each instance, appear to be a fair compensation to the person making the advances, for the non-employment of his capital. In the absence, however, of any rule for the regulation of the discretion thus assumed, much confusion has arisen from the conflicting opinions and judgments of the several judicial officers, as to the extent of penalty recoverable on agreements of this nature. Under the rules for imposing a stamp duty, it is provided, that all deeds and agreements shall be written on paper bearing a certain stamp, proportioned “to the value of the property transferred, or otherwise affected.” But in agreements of the kind above described it is not clear whether the amount of the stamp ought to be fixed with reference to the sum actually advanced, or to the penalty or penalties which may be specified as eventually exigible on the failure of the contractor; and it is of great importance to the parties, that this point should be determined so as to prevent the risk of *bonâ fide* deeds being rendered void, in consequence of any inaccuracy in the description of stamp paper employed in drawing up the agreement. It seems reasonable also, that the person who advances seed and capital, or capital only, for the expenses of cultivation on a defined parcel of land, should be considered to possess a lien and interest in the indigo plant produced on that land, when so stipulated in a written engagement between the parties, and especially in cases in which such written engagement may have been duly registered, under the provisions of Regulation XX. 1812, and that it should not be in the power of a *ryot*, who has already conditioned for the delivery of the produce of his land to one person, to break the condition by a clandestine and fraudulent transfer of such produce to another. The system at present in force provides, as above observed, no other remedy for parties injured by this dishonest practice, than by a regular action in the

Preamble



civil court. The difficulty and delay of obtaining redress by that course, have not unfrequently led to acts of violence and even to serious affrays, and the more frequent occurrence of such affrays is to be apprehended, in consequence of the eager competition which now prevails amongst the indigo manufacturers in some parts of Bengal, arising from the unusually high price of indigo. The Governor General in Council has in consequence judged it expedient to declare the principles on which the points above stated shall be settled, and to provide for the more prompt adjustment of disputes, and enforcement of contracts of the nature above specified; and the following rules have accordingly been passed, to take effect in the several districts comprised within the province of Bengal, from the date of their promulgation.

Under what circumstances persons making advances for the cultivation of the indigo plant, on defined portions of land, shall be held to have a lien or interest in the produce of such land.

II. If any person shall have given advances to a *ryot* or other cultivator of the soil under a written engagement, stipulating for the cultivation of indigo plant on a portion of land of certain defined limits, and for the delivery of the produce to himself, or at a specified factory or place,—such person shall be considered to have a lien or interest in the indigo plant produced on such land, and shall be entitled to avail himself of the process hereinafter provided, for the protection of his interests, and for the due execution of the conditions of the contract.

Such person how to proceed, when he has just reason to believe, that the *ryot* will dispose of the produce otherwise than stipulated.

III. *First.* If any person who may have made advances on conditions of the nature above described, shall have just reason to believe that an individual, under engagement with him, is evading or is about to evade the execution of his contract, by making away with, and disposing of the produce otherwise than as stipulated, or that he has engaged secretly or openly to supply the same to another, it shall be competent to such person to present a petition of complaint to the *zillah* or city judge, or to a register exercising the powers of joint magistrate, within whose local jurisdiction the land stipulated to be cultivated with the indigo plant may be situated, filing with the same the original deed of engagement, by which the produce may be assigned and engaged to be delivered to himself or at his factory, and certifying in his petition, that such deed was voluntarily and *bonâ fide* executed by the individual complained against.

Summons to be issued for the attendance of the defendant.

*Second.* On such petition and original deed of engagement being filed, a summons, or *tulub chittee*, shall be immediately issued through the *naxir* in the usual form, requiring the individual named in the petition to attend and answer to the complaint, either in person or by an authorized agent, within such specified period as may, in each instance, appear reasonable, and which period shall in no case exceed twenty days.

Summons how to be served.

*Third.* The officer entrusted with the execution of the process shall also be instructed to affix a copy of the summons in the village *cutcherree*, or other place of public resort, and to erect a bamboo on the specific parcel of ground on account of which the claim may have been preferred, and which it shall be the duty of the plaintiff or his agent to point out. By these means sufficient public notice of the claim will be given, to enable persons desirous of contesting the plaintiff's right, or of establishing a prior right to the produce of the land, to appear either in person or by an authorized agent before the court for that purpose, and the failure so to attend before the summary decision be passed, will be held to bar the claim of any third party founded on any contract for the produce of the land in question, unless it be established by a regular suit.

And public notice of the claim, how to be given.

On non-appearance of defendant or other claimants, evidence to be taken, and the case decided *ex parte*.

*Fourth.* If the officer serving the process shall not be able to execute it on the person of the defendant, he shall nevertheless publish the claim in the manner above directed, and if the defendant shall not appear to answer to the complaint within the period specified in the summons, and no other claim be preferred in bar of that of the plaintiff, the judge or other officer shall, after taking evidence to establish the deed and other allegations of the plaintiff, proceed to the adjudication of the claim, in the same manner as if the defendant had personally appeared.

In what cases an award shall be passed, adjudging the plaintiff's right to the produce.

*Fifth.* If the defendant or his authorized agent should attend within the period specified, and should deny the execution of the deed of engagement filed by the complainant, proof of the same shall be taken, and if its voluntary execution be established to the satisfaction of the court, or other tribunal trying the case, and no preferable claim be established by a third party, a summary award shall be made, adjudging to the plaintiff the right of receiving

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ing the crop according to the terms of the agreement. The same principle shall be applied if the engagement be admitted, and no satisfactory reason be shown why the defendant should not be held to the performance of his contract.

*Sixth.* If it be proved that the engagement was not duly and voluntarily executed by the defendant, or if it should appear that the proceeding is otherwise litigious and oppressive, and the claim unfounded, or that the plaintiff had no sufficient cause to warrant his application to the court, the complaint shall be dismissed, and the plaintiff shall be made liable to the payment of costs, and such reasonable sum in addition, as may seem to the judge, or other officer trying the case, a proper compensation to the defendant for any trouble and annoyance to which he may have been subjected.

If the plaintiff's claim be not established, the plaintiff to pay costs and compensation to the defendant.

*Seventh.* If it should appear in the course of the inquiry, that the defendant is under engagement for the same land to a third party, notice shall immediately be issued for that party to appear and plead, either in person or by *vakeel*; and if such person or any third party shall, previously to the decision of the case, come forward and produce a similar deed of engagement, stipulating for the produce of the same portion of land, the judge, or other officer trying the case shall, after such summary investigation as may be necessary, determine whether either of the parties have any just claim to the produce of the land, and if so, which of them may have the prior and better claim; a preference will of course be given to engagements duly registered under the provisions of Regulation XX. 1812. The result of such investigation shall be recorded, and a decree passed, adjudging the question of right between the parties.

Notice to be given to third parties in what cases, and their claims how to be investigated.

*Eighth.* No defendant, who may attend under the process described in this section, shall be confined in jail or be in any manner detained longer than may suffice to take his answer to the claim, and to obtain from him such further explanations as the nature of the answer may suggest.

Defendant not to be subjected to unnecessary detention.

*Ninth.* If pending the summary inquiry in the manner above directed it shall appear, that the plant on the ground is in a state fit to be cut, and will be injured or destroyed if not cut, it shall in such case be competent to the judge or other officer trying the case, to pass an order for the delivery of the plant to either of the parties, provided that the said party consents and engages to pay to the other claimant (if the summary award should be ultimately in favour of the latter) a specific pecuniary compensation; the amount of such compensation shall be fixed by the judge, or other person trying the case, in communication with the parties, and shall be regulated with reference to the estimated produce of the ground, and to the probable value of such produce when manufactured, and the amount when so fixed, shall be carefully recorded on the proceedings.

In what cases an order may be issued to deliver the plant to a party, before the summary inquiry may be completed.

Engagement to be entered into by such party.

*IV. First.* Any person in whose favour a summary award shall have been passed for the produce of any defined spot of land, shall be entitled to place a watch over the same, and to prevent the cutting and removal of the plant in any manner contrary to the stipulations of his agreement, and in the event of any attempt being made to cut or remove the plant, it shall be competent to the person holding the decree to apply to the nearest police *darogah*, and to claim from him the assistance of the police in preventing such removal; it shall moreover be the duty of the police officers, and of all other officers, on such a decree being exhibited, to aid the person in whose favour it may have been passed to the utmost of their power.

Authority to watch fields and to prevent removal of the plant, given to parties in certain circumstances.

*Second.* In order that the foregoing rule may not operate to the prejudice of the landholders, who, by the existing regulations, are authorized to attach the crops for the realization of rents justly due to them, it is hereby provided, that whenever any manufacturer, who may have obtained an award under the foregoing rules, may cause the plant to be cut and taken away; he shall be held responsible conjointly with the *ryot*, for any arrear of rent which may have been due on account of the specific parcel of ground, from which the indigo plant may have been taken.

Security for rent due to landholders, how provided.

*V. First.* In cases in which a *ryot* who may have received advances and entered into written agreements for the cultivation and delivery of indigo plant in the manner indicated in this regulation, shall have failed to cultivate the ground specified, or having cultivated it, shall have failed or refused to complete his engagement, or shall have sold, made

Parties injured by breach of contract in regard to the cultivation and delivery of indigo plant, may institute either a summary or regular suit.

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away with, or transferred the produce to another person, the party with whom such agreement was first made, shall be at liberty to institute, at his option, either a summary or a regular suit.

Judgment, to what extent in summary suits.

*Second.* If the summary process be adopted, and the cause be decided in favour of the plaintiff, the defendant shall be subjected to the payment of the amount of the advances actually received by him, with interest on the same, and the costs of the summary process.

Ditto in regular suits.

*Third.* If the plaintiff should prefer to seek his remedy by a regular suit, the case will be tried and decided, under the principles of the general regulations; provided however, that where a *ryot* shall have voluntarily executed a deed of engagement, stipulating to cultivate indigo plant on a specified portion of land, and to deliver the produce of such land to one individual, and shall have subsequently sold and delivered such produce to another, the aggrieved party shall be at liberty to prosecute the *ryot* and the individual to whom such produce was sold or delivered conjointly, and if it be established, that the individual receiving the produce was at the time aware of the prior engagement, such individual and the *ryot* shall be jointly and severally held answerable for the full amount of the penalty specified in the original agreement, together with all costs and expenses of the suit.

Amount of penalty to be awarded in regular suits, where the breach of contract may not be ascribable to fraud or dishonesty.

*Fourth.* If no fraud or dishonest dealing be established, and the failure of a *ryot* or other contractor to execute the stipulations of his engagement by the delivery of indigo plant in the manner stipulated, be owing to accident or to any cause not implying fraud or dishonesty, the penalty to be adjudged against a contractor shall not exceed three times the sum advanced, as the consideration for executing the deed, including interest.

Summary investigations, how and by whom to be conducted.

VI. Summary investigations, under this regulation, shall be conducted according to the form and in the manner prescribed for the conduct of summary suits for arrears of rent: they shall either be tried by the judge, or be referred to the collector of the district, or to the register. In cases referred to the collector, that officer (as well as the register) shall pass a decision on them, instead of sending them back to the judge with a report, and there shall be no appeal from any summary decision passed by those officers respectively, if regularly made, and in a matter duly cognizable under this regulation: it shall nevertheless be competent to any person whose claim under a deed of engagement for the cultivation and delivery of indigo plant may have been set aside by a summary award, or who may be otherwise dissatisfied with the decision passed on a summary investigation under the foregoing provisions, to institute a regular suit for the recovery of the penalty stipulated in the deed of engagement, or for the establishment of any other claim or interest to which he may deem himself entitled.

Explanation of the value of stamp paper employed in engagements for the cultivation and delivery of indigo plant.

VII. No objection shall be taken against any deed of contract for the cultivation and delivery of indigo plant on account of its not bearing the proper stamp, provided that the same be executed on paper bearing a stamp of such an amount, as would be required under the rules of Section 11, Regulation I. 1814, for a bond of the amount actually advanced or acknowledged to be advanced as the consideration for entering into the agreement.

Such deeds not invalid, in consequence of their including several individuals, and several separate transactions.

VIII. No objection shall be taken to the validity of any deed of engagement for the cultivation and delivery of indigo plant, on the ground of its having been entered into by more than one individual, or of its including more than one transaction; provided that the obligation of each individual be distinctly specified, and the amount of the stamp be such as would have been required for a bond of an amount equal to that of the aggregate of all the sums acknowledged to have been advanced.

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A REGULATION for prohibiting Loans by covenanted civil Servants from Persons subject to their official Authority and Influence.—PASSED by the Governor General in Council, on the 30th October 1823; corresponding with the 15th Kautic 1230 Bengal era; the 11th Kautic 1231 Fussily; the 16th Kautic 1231 Willaity; the 11th Kautic 1880 Sumbut; and the 24th Suffër 1239 Higerec.

**W**HEREAS by the existing regulations all covenanted civil servants of the Company employed in the judicial and revenue departments of the service, are prohibited from lending money, directly or indirectly, to any proprietor, or farmer of land, dependant *talookdar*, under-farmer, or *ryot*, or their sureties: and whereas it is equally necessary to prohibit the public officers from borrowing money from persons subject to their official authority and influence; the following rules have been enacted by the Governor General in Council, and are to be in force, from the date of their promulgation, throughout the provinces immediately subject to this presidency.

Preamble.

**II. First.** All covenanted civil servants, in whatever department of the public service they may be employed, are henceforward prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to, any native officer under their authority, or under the authority of any of their subordinate functionaries, or from or to the known surety, agent, relation, connection, or dependant of any such native officer, or from or to any person of whom such native officer may be known to be or to have been the servant, agent, surety, or dependant.

Civil servants in every department prohibited from borrowing money from the native officers under their authority, and the connections of such officers;

**Second.** In like manner and under the like penalty, all officers of Government, being covenanted civil servants, are henceforward prohibited from borrowing money from, or in any way incurring debt to any manager, guardian, executor, *ameen*, *sezawul*, *gomashtah*, farmer, *motuwullee*, or other person who may in any way be officially accountable to them, or from and to the known surety, agent, relation, connection, or dependant of such person.

And from other persons officially accountable to them.

**Third.** Section 4, Regulation XXI. 1814, is hereby rescinded; and the provisions of Sections 2. and 3. of that regulation, shall henceforward be held applicable to commercial residents and commercial agents, as well as to all other officers of Government being covenanted civil servants.

Provisions of Regulation XXI. 1814, extended to civil officers in the commercial department, as well as to all other officers being covenanted civil servants.

**III.** All judges of *zillah* and city courts, all magistrates, joint magistrates, registers, and assistants to magistrates, all collectors and deputy collectors of the land revenue, all assistants to such collectors or other officers exercising the powers of such collector, are prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to any *zemindar*, *talookdar*, *ryot*, or other person possessing real property, or residing in, or having a commercial establishment within the city, district, or division to which their authority may extend.

Certain officers prohibited from incurring debt to *zemindars* and others, residing in, or having property within their districts.

**IV.** All persons are prohibited from lending money, or otherwise becoming in any way creditor to any officer of Government, being a covenanted civil servant, in contravention

Prohibition against lending money to civil

## A. D. 1823. REGULATION VII.

servants, contrary to the above rules.

Penalty for a breach of this prohibition.

Officers in debt contrary to the above rules, to report the fact at the expiration of one year.

Penalty for omitting so to report.

Officers receiving new appointments, if indebted to individuals, contrary to the above rules, to report.

Penalty for omitting to report.

Penalty on natives, knowingly taking office in contravention of the above rules.

Penalties to be enforced by prosecution at the suit of Government.

tion of the above rules : and any person lending money, or in any way becoming creditor to any such public officer in breach of this prohibition, shall forfeit to Government a sum equal to the amount for which he shall have so illegally become creditor.

V. If any officer of Government now in debt shall, at the expiration of one year from the promulgation of this regulation, be still indebted to any person from whom it would at such period be illegal for him to borrow under the above rules, it shall be incumbent on such officer to make known the circumstance to the Governor General in Council; and in the event of intimation not being so given, the same penalty shall attach to the said officer, as if the debt had been incurred subsequently to the promulgation of this regulation.

VI. In like manner, if any covenanted servant who may be hereafter appointed to any office, shall at the time of such appointment, be indebted to any person with whom it would be illegal for him to contract a loan, while holding such office, it shall be incumbent on such servant, before entering on the duties of the office, to make known the circumstance to the Governor General in Council ; and failing to do so, he shall be subject to the same penalty, as if the debt had been contracted subsequently to his being appointed to the said office.

VII. Any native causing himself to be appointed to any office in opposition to the provisions of Regulation XXI. 1814, as hereinbefore extended, or in any way knowingly accepting office in contravention thereof, shall forfeit to Government a sum equal to ten times the yearly salary or allowances attached to the situation, to which he may be appointed.

VIII. Suits for the recovery of penalties incurred under this regulation, shall and may be instituted under the special instructions of the Governor General in Council, and shall be conducted by the superintendent and remembrancer of legal affairs, or by such other officer as Government may nominate for that purpose : such suits shall be instituted in the provincial court of the division, within which the transaction may have taken place, or the lender may reside, or may possess real or personal property. An appeal shall lie from judgments passed in such cases, in like manner as from other judgments passed in original suits by the provincial courts, and the judgments shall be enforced under the provisions of the regulations for the execution of other decrees of the civil courts.

## A. D. 1824. REGULATION I.



A REGULATION for enabling the Officers of Government to obtain at a fair Valuation, Land or other immoveable Property, required for Roads, Canals, or other public Purposes; and for declaring in what Manner the Claims of the Zemindars, and of the Officers in the Salt Department, are to be adjusted in certain Districts, where Lands are required for the Purposes of Salt Manufacture.—Passed by the Governor General in Council, on the 8th January, 1824; corresponding with the 25th Poose 1230 Bengal era; the 22d Poose 1231 Fussily; the 26th Poose 1231 Willaity; the 7th Poose 1280 Sumbut; and the 5th Jumadee-ul-Awul 1239 Higeree.

**W**HEREAS the rights and interests of individuals in their respective landed estates, and other property, have been secured to them, by the existing laws and regulations; and by the courts of justice, established for their administration: and whereas it being necessary occasionally to require the surrender of the property of individuals for purposes of general convenience to the community, it appears expedient distinctly to define the course of proceeding to be followed in such cases, in order, that works and arrangements of public utility may not be unduly impeded, and that, at the same time, a just and full compensation may be secured to all persons, holding an interest in property so appropriated; and whereas the peculiar circumstances of the lands, required for the purposes of the salt manufacture in the districts, comprized in the salt agencies of the 24-Pergunnahs, Jessore, and Bullooah, and Chittagong, and the arrangements concluded with the *zemindars* at the time when the exclusive manufacture was first established, render it necessary specially to declare the principles on which the claims of the officers in the salt department, and of the *zemindars* in the said districts, are to be adjusted, on the occupation of land for the purposes of the salt department; the following rules have been enacted, to be in force as soon as promulgated, throughout the whole of the provinces immediately subject to the presidency of Fort William.

II. Whenever it may appear necessary or expedient to appropriate the whole or part of any individual's landed estate, or other immoveable property, or any thing thereunto belonging for the construction of a public road, building, canal, drain, jail, or for any other public purpose, then, if there be any hindrance to the purchase of the said property by private bargain, the officer entrusted with the execution of such public work, or any other officer, whom the Governor General in Council may direct, shall proceed to the spot and erect a flag thereon, causing, in cases in which it may be proposed to take land, the boundaries of the land so required to be distinctly marked out, but taking care, at the same time, to do as little injury as possible to the property; he shall then stick up in some convenient and conspicuous place in the vicinity, a notice of the land, or other property proposed to be taken, and the purpose for which it is required, and shall make proclamation by beat of drum, as well as on the spot, as in the nearest *bazar*, *gunje*, or village, calling upon any person or persons, claiming a right or interest in the land or other property, to appear in person or by an authorized agent, at a place to be specified in the notice and proclamation, on or before a given date, not being less than fifteen days; in order to make known the precise nature of

Preamble.

When ground wanted, officers of Government to call on proprietor to state terms, and any objection to transfer.

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the interest claimed, and the terms on which he, or they may be willing to dispose of their respective rights and interests ; or if they object to the disposal thereof, to specify the same through the proper authorities for the information of Government, when the substance of all material information given in after such a notification, shall be submitted by those authorities to the Governor General in Council, together with a report of their sentiments on the case, and of the estimated value of the premises intended to be applied to a public purpose, and of the several interests attaching thereunto.

If parties refuse to dispose of property, Government may direct recourse to be had to arbitration.

**III. First.** If the person, or persons, having, or claiming to have a right and interest in the land, or other property, required for a public purpose, or in any part of it, shall object to the disposal of the same, or shall demand an exorbitant consideration, for the relinquishment of his or their interest, and the Governor General in Council, after duly considering the objections urged, and the demands made, shall notwithstanding deem it proper on ground of clear and urgent public expediency, that the property should be so appropriated, he will in either of the cases above mentioned order the election of arbitrators to ascertain and determine the just and full value of the whole of the property, intended to be applied to public use, including the rights of all persons holding a lawful interest therein, according to the rules herein after contained.

In certain cases, Government may delegate the power of directing a recourse to arbitration.

**Second.** Provided also, that when any extensive public work shall have been commenced on under the orders of Government, it shall be competent to the Governor General in Council, by an order in Council, to delegate to any board, committee, or the like, the duty and power of determining on all objections to the disposal of individual properties, which it may be considered necessary to appropriate for the purpose ; and the board or committee so empowered shall be competent to issue the requisite orders, for the appointment of arbitrators for the purposes and in the manner hereinafter provided, without previous reference to Government.

Arbitrators how to be appointed, and how to conduct their inquiries.

**IV. First.** Whenever it may be requisite to have recourse to arbitration, for the purpose stated in the preceding section, the following rules shall be observed in the appointment of the arbitrators, and in the conduct of their inquiries.

Two arbitrators on the part of Government to be selected by what officer.

**Second.** Two persons of respectability shall be chosen to act as arbitrators on the part of Government, by the judge or magistrate, or collector of the district, in which the land or other property required for public use may be situated, or such other officer as the Governor General in Council may commission for the purpose of superintending the arbitration ; and the party or parties claiming an interest in the premises proposed to be taken, shall be called upon by the judge, magistrate, collector, or other officer aforesaid, to elect, within a reasonable time, to be fixed by such officer, two persons to act as arbitrators on his, or their part. If there be several claimants, and they cannot agree, within the required period, in the election of persons to act as arbitrators on their behalf, then and in that case each of them shall nominate one person, whom he may desire to act on his behalf, and the judge, magistrate, collector, or other officer aforesaid shall choose by lot out of the persons so nominated by the parties or any of them, two persons to act as arbitrators on behalf of the claimants. If only two persons shall be so nominated, they shall be the arbitrators on behalf of the claimants, whether the whole of the claimants may, or may not have been concerned in their nomination. If only one person shall be so nominated, then only one of the persons selected to act as arbitrators on the part of Government, shall be employed on the duty. If the claimants shall refuse or neglect to make any nomination within the required period, then the judge, magistrate, collector, or other officer shall, and may select two impartial persons, residents of the *pergunnah* or other local division, to arbitrate the matter between Government and the parties.

Parties to be required to elect two arbitrators, to act on their behalf.

Arbitrators how to be selected out of the nominees of the parties, if more than two.

Course to be followed, if only two persons be nominated.

If only one person be nominated.

Declaration to be made by arbitrators.

**Third.** The arbitrators chosen as above shall be required by the judge, magistrate, collector, or other officer aforesaid, solemnly to promise that they will faithfully and impartially discharge the trust reposed in them, to which effect they shall sign a solemn declaration. But no corporal oath shall be administered to them.

Umpire how to be chosen.

**Fourth.** As soon as the said obligation shall be signed, and before they proceed to any other duty, the arbitrators shall be required by the judge, magistrate, collector, or other officer aforesaid, to appoint an umpire for the decision of any points whereon they may differ in

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in opinion, and the voices on each side may be equal. If the arbitrators cannot agree in the selection of an umpire, the judge, magistrate, or other officer commissioned as aforesaid, shall be authorized to choose some respectable and impartial person to act as such.

*Fifth.* In cases wherein the arbitrators may differ in opinion, if the voices on each side shall be equal, the decision of the umpire on the point of difference shall be conclusive. In all other cases, the opinion of the majority of arbitrators shall determine the award.

*Sixth.* The judge, magistrate, collector, or other officer commissioned as aforesaid, shall be competent to exercise towards the arbitrators, and umpire chosen as above, such powers and authority for the purpose of securing their attendance and the due completion of their award, as the courts of judicature may or shall legally exercise towards persons summoned as witnesses before them for the purpose of compelling them to attend and give evidence. It shall further be competent to the judge, collector, or other officer commissioned as aforesaid, in the event of any unnecessary delay on the part of arbitrators in determining any point referred to them, to call upon them to make their award within a specified time, and in default thereof to refer the matter to the umpire for his decision.

*Seventh.* The arbitrators shall hold their inquiry, under the general superintendence of the judge, magistrate, collector, or other officer commissioned as aforesaid.

*Eighth.* The judge, magistrate, collector, or other officer so commissioned, shall afford to the arbitrators all necessary aid and support, for enabling them to accomplish the object of their appointment. He shall, on the application of the arbitrators, summon, and is hereby authorized to summon, any witnesses, whom the arbitrators may call for, and whom the parties may not be able to produce before them, without such process. He shall also cause the proper forms of oath to be administered to, or a solemn declaration in lieu thereof to be executed by any witnesses, whom the arbitrators may desire to examine upon oath, or solemn declaration, or he may empower the arbitrators to administer such oath, or to cause the execution of such solemn declaration in lieu thereof, if the witness cannot, with convenience, attend at the *sudder* station of the *xillah*. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, in any case referred to arbitration as above, and upon a point material to the issue thereof, shall be held and considered to be guilty of perjury, and shall be liable to the penalties prescribed for that offence in the regulations; and any person causing or procuring another person to commit the offence of perjury, as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said regulations.

V. When arbitrators may be appointed, it shall be the duty of the officer employed in the manner specified in Section 2. of this regulation, to lay before them a statement of all claims made to him under the rule of that section; also to notify which of them remain unadjusted, and to furnish upon requisition of the arbitrators, all information in his power, as to the extent and boundaries of the land proposed to be taken, the claims attaching to it, the state of possession and the like. Furthermore, in the event of any dispute, arising on any point connected with the extent, boundary, present possession, manner of culture, or of other appropriation of the land, or any portion of it for the time being, it shall be competent to the said arbitrators to cause the land, or other property in question, or any part of it to be measured in their presence, or otherwise in such manner, as they may deem most desirable.

VI. *First.* If the land required by Government be *lakheraj*, or for such portion of the land as may be of that description, it shall be the duty of the arbitrators to determine in the first instance, what consideration is in their opinion a fair value for the whole property proposed to be assumed or destroyed in the execution of the public work in hand, or which will otherwise be lost to the owners, or affected by reason of the appropriation by Government.

*Second.* If a dispute arise between the owner or owners of the *lakheraj* tenure on one hand, and the cultivators or renters under him on the other, as to the proportion of such entire value, which each should receive in exchange for the interest claimed, or possessed by him, the arbitrators shall not enter into this part of the case, unless both or all the parties interested shall desire the adjustment of the points in dispute to be made by them at the time.

Functions of the umpire.

Residing officer to exercise what powers to secure attendance of the arbitrators, and completion of the award.

In what cases may refer the matter to umpire.

Arbitrators to act under the judge, collector, or magistrate of the district.

Who shall cause witnesses to attend the arbitrators.

Information to be furnished to arbitrators by the officer superintending the execution of the work.

In what cases arbitrators may measure.

Compensation for *lakheraj* land, how to be determined.

Arbitrators how to proceed in cases of dispute between parties holding different interests in the land.



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So likewise, if there be more claimants than one to the *lakheraj* interest, and it shall be necessary to determine the mode in which the value of that interest is to be apportioned amongst the claimants, such apportionment shall not be made, unless all the claimants sign a written agreement to abide by the arbitrator's adjustment of the same. Any award made by arbitrators after agreement being signed by the parties at issue, shall have effect, and be considered as an award of court to all intents and purposes; but if no award be made in consequence of the parties not having agreed to abide by such determination, it shall be open to any one of them to carry the point or points at issue, before the courts in the usual manner, and if the Government take the lands, tenements, or other property on the terms fixed by the arbitrators, it shall be competent to the court trying the case, upon due application being made, to order the whole or any part of the value paid by Government to be held in deposit to answer an eventual decree. Provided, however, that nothing herein contained, shall be considered to warrant any alteration being made by any order or decree of court, in the rate of the consideration, fixed by the arbitrators to be paid by the Government, or the issue of any orders, affecting the possession that may have been assumed by its officers, or acts that may have been done by them in consequence of such arbitration.

Adjustment how to be made for land subject to the payment of revenue.

*Third.* If the land, proposed to be assumed for the purposes aforementioned, be *khirajee* land, or for so much of it, as may be of that description, it shall be the duty of the arbitrators to determine first the amount of the net rent, which the *sudder malguzar* may derive from the land, as far as they can ascertain the same; Secondly, the value of any other property, or interest, which the said *malguzar* may possess in, upon or belonging to the land; and Thirdly, the value of any property, or interest, which may be possessed by persons other than the *sudder malguzar*. They shall, at the same time, state the value of the net rent, derived by the *sudder malguzar*, and it shall be competent to the Governor General in Council, to determine what proportion of the compensation due to that person, for the loss of the said rent, shall be made good in the shape of an annual remission of revenue, and what shall be commuted for a payment in ready money, to be calculated at the rate assumed in the valuation of the arbitrators. In estimating the net rent no deduction is to be made from the gross rental of the *sudder malguzar*, on account of the Government revenue, with which his estate may be assessed. And it shall be the duty of arbitrators, in fixing the value of the net rent, derived by the *sudder malguzar*, from the land taken for public purposes, conjointly with the value of other interests possessed therein, so to regulate the two that the whole shall constitute what would have been a fair value for the property, supposing it to have been *lakheraj*, and held free of all burthen, or encumbrance, and the arbitrators shall in every case of this description certify at the foot of their report, that the above direction has been observed.

Rights of parties claiming an interest in land, taken by Government, how to be adjusted.

*Fourth.* Whenever any revenue deduction may be ordered, it will of course be passed in the revenue accounts to the credit of the *mohaul*, on account of which it may be awarded by the arbitrators, in whosoever possession the same may be. Should the proprietor of any other *mohaul* claim to participate therein, it shall be open to him to prosecute his claim by suit in court, against the proprietor of the *mohaul* on account of which it may be paid. Provided, however, that in case any litigation between the proprietors of different *mohauls* claiming to participate in the deduction, awarded by arbitrators, be submitted to their award in the manner above provided for the case of *lakheraj* lands, the same, when made, shall be binding, and have effect to all intents and purposes, as a decree of court. So likewise if there should arise a difference or dispute as to the manner and proportions in which the money compensation to be given by Government upon the occupation for public purposes of *khirajee* land, shall be divided between the *ryots* and under tenants, or between them and the Government *malguzar*, or between any other classes of persons claiming to participate; the course shall in all such cases be the same, as is prescribed in the preceding clause of this section for the case of *lakheraj* lands, which may have been taken possession of for public purposes by Government, and of disputes, arising in the apportionment of the consideration, adjudged to be paid in consequence.

Arbitrators how to proceed when the possession is doubtful.

*Fifth.* If the question of possession shall in any case be doubtful, or if there exist other grounds, which, in the judgment of the arbitrators, render it improper to make immediate payment of the compensation awarded by them, or any part thereof, to any of the claimants, it

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it shall be the duty of the arbitrators to certify the circumstance to the judge, magistrate, collector, or other officer, under whose directions they may act, and in such case the amount which they may propose to reserve shall be invested in Government securities, and held in deposit, until one of the claimants shall obtain an order of court, for the payment of the same. But no dispute touching the property, or possession of land, or other property required for public purposes, nor any flaw in the title of the party by or from whom it may be transferred to Government, on the award of arbitrators, shall be allowed to defeat, or disturb the title, acquired by Government, and if any person or persons shall sue in any court of judicature to recover from Government, damages or compensation for the loss of any such land or other property, such person or persons shall be nonsuited with costs. Provided also that in cases wherein the possessor and ostensible proprietor of any land, or other property required for any public purpose, shall have consented to transfer the same to Government on terms mutually agreed to, it shall be competent to the Governor General in Council, or any board or committee, authorized by him in that behalf, to cause proclamation to be made in the manner prescribed in the second section of this regulation, requiring all persons claiming any right, title, or interest in such land or other property, to prefer their claims on or before a certain date; and after such proclamation shall have been made, and the land or other property shall have been transferred to Government, any claim or suit to recover the same, or to obtain from Government compensation for the loss thereof, which may be preferred in any court of judicature, shall be dismissed with costs, unless the claim shall have been preferred as required by the said proclamation. But nothing herein contained shall affect the liability of the party, who may receive the value of any land or other property transferred to Government, without having a good title to the same.

Possession by Government of property transferred to it under this regulation not to be disturbed, or defeated by reason of any matter, touching the right or title of the former occupant.

**VII. First.** On the close of the inquiry, the arbitrators or umpire shall deliver to the officer commissioned as aforesaid to superintend the arbitration, a full and specific report and award, upon the point or points submitted to their arbitration under their respective signatures, with a solemn declaration subscribed thereto, that the award so given is, to the best of their judgment, true and impartial, and according to the evidence adduced before them: they shall at the same time deposit with the said officer the whole of their proceedings.

Award how to be given by arbitrators.

**Second.** The aforesaid officer shall transmit to the Governor General in Council, the report and award so delivered to him, with a report, stating the material points thereof and his sentiments, how far the inquiry made by the arbitrators appears to have been conducted with fairness and impartiality, or otherwise; and the said officer shall be guided by the instructions of the Governor General in Council in regard to the execution of the award, when the same shall have been approved by Government.

Officer receiving award how to proceed.

**Third.** No award made under this regulation shall be liable to be reversed or altered, unless the same shall be open to impeachment on the ground of corruption or gross partiality, or shall extend beyond the authority given to the arbitrators, and such ground of impeachment shall be established on a regular suit in the *adawlut*.

Grounds on which alone award shall be impeached.

**Fourth.** If, after the award has been given in by the arbitrators, and the Governor General in Council shall have directed the premises to be appropriated for public purposes, the officer directed to occupy the same shall be opposed, or impeded in taking possession, he shall apply to the magistrate of the district, to whom it shall and may be lawful to enforce the surrender of the said premises.

Surrender of property required for public purposes to be enforced by magistrate.

**Fifth.** In cases referred to arbitration, under the provisions of the preceding sections, any necessary expense, which may attend the inquiry of the arbitrators, whether for the diet of witnesses or otherwise, shall be paid by Government.

Expenses to be paid by Government, in cases referred to arbitration under the above rules.

**VIII.** The rules contained in the preceding sections of this regulation, shall not be held to be applicable to the removal from the bed or banks of navigable rivers or streams, of trees, broken boats, timbers, or the like, which may obstruct, or be likely to obstruct the navigation of such rivers and streams. Such obstructions may be summarily removed by the magistrates of the several cities and *xillahs*, or by such other officer or officers as the Governor General in Council may by an order in Council, vest with the superintendence of any such river or stream, under the laws and usages applicable to the removal of nuisances, and such special provisions as may hereafter be enacted.

The above rules not applicable to the removal of obstructions to the navigation of rivers.

The above rules not to be applicable to lands, required for the use of the salt department, unless so expressly provided.

Rules for the adjustment of relative rights of the *zemindars*, and the officers of the salt department, founded on the result of a special inquiry.

*Khalaree* remissions granted on the first establishment of the monopoly, on what principle allowed.

To be continued in perpetuity.

No further remissions or abatements on account of salt or fuel land to be allowed without authority of Government.

Claims by *zemindars* to *khalaree* rents, how to be prosecuted.

Collection of *khalaree* rents from *molungees*, unless where authorized by Government, to be discontinued.

Also tax on fuel.

**IX. First.** Since the revenue, derived by Government from salt, within the provinces of Bengal, Orissa, and Cuttack, is realized, in the form of a monopoly of the manufacture, under a system established in the years 1780 and 1781; and since, in the prosecution of this system, Government have been, in the occupation of certain lands adapted to the manufacture, and have all along exercised the privileges of assuming what has appeared to be fitted for the purpose, the same being at the time of such occupation wholly, or for the most part, unfit for cultivation, or for yielding profit by any other means, the above provisions shall not be considered to apply to the case of these lands, except in so far as they may be specially declared to extend to them in this or any future regulation.

**Second.** An investigation having been instituted, under the orders of the Governor General in Council, with a view first to determine the character of the remissions of the land revenue allowed annually, from the time of the establishment of the present system of manufacture, to certain *zemindars* in the districts, comprised in the salt agencies of the 24-Pergunnahs, Jessore, Bhulooah, and Chittagong; and secondly, to settle the claims of the *zemindars*, and the officers of the salt department at the agencies in question, respectively on each other. The following declarations and rules calculated for all results of such investigation are hereby made and enacted, and the courts of civil judicature, the officers of the salt and land revenue departments, and all other public authorities are to be by them guided in their determination of any question, that may arise as to the right of the officers of the salt department to occupy salt lands, or other lands, required for the purposes of the salt manufacture, and the rate of compensation to be paid for the same.

**Third.** The principle upon which remissions were originally made, from the *jumma* of *zemindars*, on account of *khalaree* rents, or the like, upon the assumption of the salt *mohaul* is hereby declared to have been to relieve those to whom they were granted from an assessment upon assets, which were transferred to Government on the establishment of the system of exclusive manufacture, with the rights and interests attached to the possession of the *mohaul*.

**Fourth.** All *zemindars* or others, whose claims to remissions were allowed in the first instance, that is, on account of rents collected by them, previously to the year 1188 B. S. shall be considered to fall within the class of land renters, who received an abatement of what they then ceased to collect, upon the principle above laid down; consequently it is hereby declared, that the sums remitted to them will be allowed in perpetuity.

**Fifth.** The collectors of land revenue, and the Board are prohibited henceforward from receiving any applications to obtain credit in the land revenue collections for any amount, claimed as due for *khalaree* rent, and from allowing of any abatement or remission whatever from the land revenue *jumma*, except the specified remissions allowed on account of rents collected previously to 1188, or such other as may be hereafter ordered by the Governor General in Council.

**Sixth.** Any land revenue engager, who may prefer a claim to receive rent for *khalarees* now worked, or for what may be so henceforward, or for any that have been worked, and for which the rent of past years may be claimed to be due, shall be desired to make application to the salt agent to have the same adjusted on the principles declared hereafter.

**Seventh.** The remissions allowed on account of rents collected previously to 1188, will still be retained on the revenue books, and will be carried to the debit of the salt department, but the levy of *khalaree* rents, *bara kursa*, or the like, from the *molungees*, will be entirely discontinued, and the impost abolished from the commencement of the next salt year, save and except in cases wherein it may be otherwise specially ordered by the Governor General in Council; and henceforward any *gomashtah* or other person attempting to enforce the impost, or demanding it in any shape without special authority from Government, shall, on proof to the fact before the agent, be immediately dismissed.

**Eighth.** The levy of *goorkatee* by the officers of Government from the *molungees*, or of any other similar tax on the privilege of cutting *jung'e* for fuel, to be used in the manufacture of salt, shall in like manner, and with the like exceptions, be henceforward discontinued, whether the same be levied as an impost due to Government or otherwise.

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**Ninth.** All future contracts for the delivery of salt in return for advances received shall, as far as practicable, specify distinctly the proportion of the aggregate price paid by Government, which may be allowed to cover the expense of fuel, and shall otherwise be rendered as specific as possible, with a distinct declaration of the amount to be paid to the *molungees* without impost or deduction on any account whatever, unless when otherwise specially authorized by Government.

Contracts for the manufacture of salt, what to specify.

**Tenth.** It shall be the duty of the agents to ascertain and record at the time of making the advances next season, or as soon after as may be practicable, in whom the property of the *khalorees* and salt lands within their respective divisions is vested.

Agents to ascertain and record in whom the property of salt lands is vested.

**Eleventh.** Salt lands worked by the salt department, from the time of the assumption of the monopoly to the present day, or otherwise assumed and held before, and since the perpetual settlement (although originally belonging to an estate, for which a permanent settlement has been formed), shall be considered to be held by the officers of the salt department free of rent under a perpetual title of occupancy, and shall be considered to be, and to have been liable to assessment by the revenue authorities, when relinquished by the officers of the salt department, in the same manner as if they had been farmed by an individual from Government, and had become open to re-settlement on the expiration of his lease.

What lands to be considered as held by the officers of the salt department free of rent under a perpetual tenure, and to be eventually liable to assessment by the revenue authorities.

**Twelfth.** Salt lands, upon which salt works have been established, whether before or after the perpetual settlement shall, provided they have been worked for twelve years without claim on the part of any one to receive a rent or compensation for the use of the same, be deemed to be the absolute property of Government.

What lands to be considered as the property of Government.

**Thirteenth.** Salt lands, upon which salt works were established after the perpetual settlement, and for the use of which a rent or consideration may be now paid to individuals shall, until otherwise determined by a decree of court, be deemed to be the property of the said individuals, who for so long as the lands may be occupied by the salt department shall receive the same rent as they received for the use of the same in the past year. The rent is to be paid in money, and to be charged in the salt agent's accounts, amongst other expenses of the manufacture, without any demand being made on the contractors or *moolungees* on account thereof unless otherwise specially authorized. This payment is to continue as long as the salt department shall retain possession of the lands, and to cease when those lands shall lose their saline quality, and be given up by the salt agents. Provided however, that nothing in this clause shall be construed to preclude the revenue officers from proceeding under the rules of Regulation II. 1819, to assess the lands so occupied by the salt department, if the same be chargeable with revenue on account of the rent paid by that department, or the collections otherwise made by the party claiming to be proprietor.

What lands to be considered as belonging to individual proprietors.

Rents how to be paid.

**X. First.** Salt lands may be occupied as heretofore by the officers of the salt department, an adequate compensation being made to the proprietors if the lands be private property. The salt agent on taking possession of any such land shall notify the circumstance by causing a flag to be exhibited on the spot, and by publishing an *ishtahar*, defining as accurately as possible, the situation and limits of the land occupied by him, such *ishtahar* to be stuck up in the collector's *cutcheree*, and the agent's own office, and persons claiming to be proprietors of such land, who may neglect or delay to prefer such claims, shall not be held entitled to any arrears of rent beyond the year in which their claim may be afterwards preferred.

Salt lands, how to be occupied by officers of salt department.

**Second.** Upon any *zemindar* preferring a claim to property in lands occupied for the salt manufacture, and for which no rent or consideration shall have hitherto been paid to any individual, the salt agent and collector, or both, where the two offices may be held separately, shall either proceed in person or depute a substitute or substitutes, being if possible European public officers, to determine by inquiries on the spot, how far, with reference to the principle laid down in Section 3, Regulation II. 1819, the *chur* or other salt land is part of the *zemindar's* estate. The collector will, at the same time, call upon the *zemindar* to produce any evidence or documents on which he may rely in proof of his claim, and shall regularly enter the same on the proceedings, together with a statement of the fact, established by the local inquiry (whether

Claims to lands so occupied how to be prosecuted and adjusted.

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ther conducted by the collector himself, or by an officer specially commissioned), and shall finally record his own opinion on the case in a Persian or Bengalee *roobucaree*. If the collector shall be satisfied, that the land in question is part of the *zemindar's* estate, he shall adjust, subject to the instructions of the Board of Revenue, the consideration to be paid by the salt department for the use of the *chur* or other salt land, carefully specifying the extent and limits of the same. If the *zemindar* shall not agree to the terms proposed by the collector, the amount of rent or compensation to be paid shall be settled under the rules above enacted for settling generally the course to be followed in effecting a constrained transfer of private property for public purposes, reference being had to any injury the *zemindar* may sustain by having the manufacture conducted on his estate, as well as to any profit he might otherwise derive from the land. If the agent shall consider the amount awarded to the *zemindar* to be too great, he shall nevertheless pay it for the first year, and may then remove. If the agent shall agree to the award, the same rate will be paid annually during occupancy without reference to what may be the subsequent extent of the manufacture, or to the quantity of land comprised in the *chur*.

What course to be followed, if land claimed by *zemindars* shall appear to collector to belong to Government.

*Third.* If on a claim being preferred as above by a *zemindar*, the collector shall be of opinion, that the *chur* or salt land belongs to Government, he shall nevertheless proceed to adjust with the agent the amount of rent, to be paid by the salt department for the use of it, and will in this case transmit his proceedings to the Board for their decision on the *zemindar's* claim. Provided also, that in cases in which the collector may decide in favour of the *zemindars*, it shall be still competent to the Board to call for his proceedings, and to pass judgment on the claim, whenever from the representation of the salt agent, or otherwise, they may see reason to think the decision of the collector erroneous. The decision of the revenue authorities, when in favour of Government, will be of course liable to be contested by suit in court. If the property in any land occupied, as aforesaid, shall be decreed to the claimant, he will become entitled to the rent with which the revenue authorities may have charged the salt department: and if he be dissatisfied with the rent so fixed, the amount to be received by him shall be settled by arbitration in the manner hereinbefore provided for the adjustment of the compensation to be paid for land taken for public purposes. But in such case the possession of the salt agent shall not be disturbed, so long as he shall discharge the rent awarded to the proprietor.

Pending claims how to be adjusted.

*Fourth.* The same mode of adjustment shall be observed in regard to all claims now pending for compensation for the use of salt lands, but no remission of revenue shall be granted on this or the like account.

Rent of land occupied by salt department, when to cease.

XI. The rent of land occupied by the salt department shall be payable, unless otherwise specially settled, by the Bengal year, and whenever a salt agent shall see fit to remove from any salt lands occupied by him, he shall cause the flag to be withdrawn within one month, after the expiration of the manufacturing year, and shall further give notice of his intention to do so by an *ishtahar*, published in the mode directed to be followed on the first occupation of salt lands, such notice to be given before the commencement of the ensuing Bengal year; and if any agent shall neglect to give due notice as aforesaid, and shall not be otherwise able clearly to shew that the owner of the land occupied by him was fully apprized of his intention to quit previously to the expiration of the last year of his occupancy, then the owner shall be entitled to recover damages to the extent of one year's rent of the land, but shall not have any further claim on the agent, or Government, on account of arrears of rent, unless such arrears shall be due on account of years included in the term of a specific engagement.

Cultivation of salt *churs* without permission of Board of Customs, Salt, and Opium, prohibited.

XII. No cultivation shall be allowed within the limits of any *chur* or other lands transferred to the salt department, unless with the permission of the Board of Customs, Salt, and Opium, so long as the manufacture shall be continued on the same; and it shall and may be lawful for the salt agent, and his subordinate officers, to attach, confiscate, and dispose of, as may be directed by the Board, any crops grown on such land in contravention of this rule, and to require the police to aid him in doing so. And any person illicitly cultivating, clearing, or ploughing such land, or doing any act preparatory to its cultivation and clearance, or causing another to do so, shall, on conviction before a magistrate, be subject for every such offence to a fine not exceeding five hundred rupees, besides being liable in a civil action for any damages which the salt department may sustain. Provided, however, that if any

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*chur* or other salt land occupied as above shall become through natural causes useless for the purposes of the salt department, the proprietor thereof shall be entitled to recover possession of the same on establishing the fact to the satisfaction of the Board of Customs, Salt, and Opium, or by a regular suit in court, and on relinquishing the compensation paid to him by the salt agent for the use of the land.

XIII. *Churs* and salt lands, now occupied by the salt department, and for which no compensation may be now paid or be hereafter adjusted to be due, as well as all such *churs* and salt lands, as may be declared to be the property of Government, shall be held by the salt agents under regular *portahs* from the collector, containing as accurate a specification as possible of the extent and limits of the land. All such lands shall upon their losing their saline quality, and becoming unfit for the salt manufacture, be made over to the collector, and if cultivation be found in such *churs* or lands before or after the officers of the salt department may have relinquished them, it shall at any time be competent to the collector to cause a settlement to be made on the part of Government with the actual cultivators, without reference to the pretension of any one else to take the rents from these. In like manner the revenue authorities may sell the Government interest in such lands, or let them in farm with such assessment, as it may appear proper to impose.

*Churs* and salt lands not belonging to individuals, how to be held by the officers of the salt department.

XIV. *First.* The following rules are enacted for the purpose of defining and settling the relative rights of Government and of the *zemindars* in regard to the waste lands whence fuel is procured for the salt manufacture, with reference to the principles on which the monopoly was established at the period above mentioned and the practice since followed.

Rules for settling the relative rights of *zemindars* and Government in respect to fuel lands.

*Second.* In cases wherein no engagements may have been entered into, for specific lands with ascertained limits, the salt department shall be considered to have the right of free fuel from all *jungle* or waste land lying within estates, the owners of which are allowed a remission of revenue, or receive rent from or on account of the salt department, to the full extent of the manufacture now established, so long as the said remission and rent shall continue to be allowed and paid. Fuel required for new or additional *khalariaes* is to be procured by agreement with the owner, or cut from land the property of Government.

Where no specific engagements exist, the salt department shall be held to be entitled to free fuel, to the extent of the existing manufacture from waste land within estates, of which the owners receive remissions.

*Third.* Nothing contained in the above clause shall be construed to affect the rights of Government in land specifically reserved for the supply of fuel, nor shall the above provision be construed to authorize the officers of the salt department to prevent the cultivation of waste or *jungle* land, unless the same shall have been reserved under specific engagements. If it be required to reserve any fuel lands beyond those already reserved for the use of the salt department, an arrangement must be made for the purpose with the proprietors of the land, or measures taken for effecting the transfer of them to Government as hereinafter specified.

The above provision not to affect rights specifically reserved, nor to entitle the officers of salt department to prevent cultivation.

*Fourth.* If any *zemindar* shall refuse to allow the salt officers to take on reasonable terms the fuel required by them from the *jungle* lying within his estate, such fuel not being demandable, under the second clause of this section, the necessary fuel shall be taken, and a just compensation settled under the rules prescribed in the third and four following sections of this regulation. The same course of proceeding shall be followed in cases in which the interest of the salt department shall render it necessary to reserve any parcel of fuel land, and the owner thereof shall refuse to surrender it on equitable terms.

In what cases recourse shall be had to the proceeding specified in Section 4.

XV. In cases wherein any rent or remission may have been paid or allowed to any *zemindar* or other proprietor of land, in addition to the remission granted on account of *khalariaes* rents, collected previously to the Bengal year 1188, the receipt of the remission last mentioned shall be held only to bind the *zemindar* or other proprietor of land receiving the same, to allow the right of free fuel to the extent of the manufacture established in the year aforesaid; and on the other hand, the Government shall not be bound to continue any rent or remission now paid or allowed in addition to the remission granted as aforesaid, if the manufacture shall be reduced to the standard of the said year, but on the discontinuance of the *khalariaes* established since that period, or on the reduction of the extent of manufacture to the standard of the said year, Government shall be entitled to discontinue any rent or remission paid or allowed on account of such *khalariae*, and further shall be competent to cause a new adjustment to be made of the rent or remission to be hereafter paid on account of *khalariaes* established since the year above mentioned.

Declaration as to the extent of privilege secured to the salt department by remissions granted on account of collections made previously to the Bengal year 1188, in cases wherein further rents, or remissions may have been granted.



## A. D. 1824. REGULATION II.



A REGULATION for abolishing the Furruckabad Mint, and for modifying some of the Rules in Force relative to the Furruckabad Rupee.—PASSED by the Right Honorable the Governor General in Council, on the 5th February 1824; corresponding with the 24th Maug 1230 Bengal era; the 20th Maug 1231 Fussily; the 25th Maug 1231 Willaity; the 5th Maug 1880 Sumbut; and the 4th Jumadee-us-Sunee 1239 Higeree.

**W**HEREAS provision has been made by Regulation XXVI. 1817, for the coinage of the Furruckabad rupee, at any of the mints established by Government: and it appears to be no longer necessary to continue the mint at Furruckabad for the coinage of the said rupee; and whereas it is expedient to modify the existing rules relative to the currency of Furruckabad rupees, in conformity with the principle already applicable to the Calcutta sicca rupee, under the provisions of Section 1, Regulation XIV. 1818; the following rules have been enacted, to be in force from the date of their promulgation.

II. The mint established at Furruckabad under Regulation XLV. 1803, shall be abolished; and all rules which require or can be construed to require, that any money or bullion shall be sent to or received for coinage at the said mint, are hereby rescinded: provided, however, that all persons, who, previously to the promulgation of this regulation, may have brought coin or bullion to the said mint for coinage, shall be entitled to receive the produce thereof under the rules of Regulation II. 1812, or an equivalent sum.

III. In modification of the rules contained in Sections 33. and 35, Regulation XLV. 1803, it is hereby enacted that all Furruckabad rupees, and half and quarter rupees, shall be receivable in all public and private transactions, if, when separately weighed, the deficiency in point of weight be not more than two pies, or grains Troy 1. 875. per rupee.

Preamble.

The mint at Furruckabad abolished.

Proviso in regard to coin or bullion brought to the mint at Furruckabad for coinage, previously to the promulgation of this regulation.

Furruckabad rupees, and half and quarter rupees, to be still receivable in all public and private transactions, if not below a certain weight.





## A. D. 1824. REGULATION III.

A REGULATION to empower Government to extend the Jurisdiction of Registers in certain Cases.—Passed by the Governor General in Council, on the 12th February 1824; corresponding with the 1st Phaungun 1230 Bengal era; the 27th Maug 1231 Fussily; the 2d Phaungun 1231 Willaity; the 12th Maug 1880 Sumbut; and the 11th Jumadee-us-Sanee 1239 Higeree.

**BY** the provisions of Regulation II. 1815, it is made competent to the Governor General in Council to invest a register stationed at a place not being the station of the *xillah* or city *dewanny adawlut*, with original jurisdiction in the cognizance and trial of summary suits originating in portions of districts different from the district to which such register may stand appointed. With a view to the farther relief of the judges of the *xillah* and city courts from the arrears of business depending before them, it is expedient to make it competent to the Governor General in Council to extend the jurisdiction of such registers in regular suits. The following rules have accordingly been enacted, to be in force from the period of their promulgation throughout the provinces immediately subject to this presidency.

Preamble.

II. *First.* It shall be competent to the Governor General in Council to extend the jurisdiction which may be vested in a register, with regard to the cognizance and trial of regular suits under the provisions of Regulation XXIV. 1814, Sections 11, 12, and 13, Regulation II. 1821, and the other rules in force upon the subject, to those portions of other districts in which such register may be authorized to exercise the powers of joint magistrate.

Registers may be empowered to investigate regular suits arising in any portion of any district, in which he may exercise the powers of joint magistrate.

*Second.* The provisions contained in the existing regulations for the guidance of registers stationed at a distance from the *sudder* station, shall be equally applicable to the trial and decision of suits which may be instituted before them or referred to them under the foregoing clause.

Provisions in the existing regulations, applicable to such suits.

*Third.* All periodical and other reports prescribed by the regulations, or the order of the *Sudder Dewanny Adawlut*, shall be furnished by such registers, to the judge of the *xillah* or city courts within whose jurisdiction such suits may have originated.

Reports to be furnished by such registers to the judge of the *xillah* or city within whose jurisdiction the suit may have originated.



## A. D. 1824. REGULATION IV.



A REGULATION to provide more effectually for the Office of Register of Deeds.—  
PASSED by the Governor General in Council, on the 12th February 1824; corresponding with the 1st Phaugun 1230 Bengal era; the 27th Mang 1231 Fussily; the 2d Phaugun 1231 Willaity; the 12th Mang 1880 Sumbut; and the 11th Jumadec-us-Sunee 1239 Higerec.

BY Section 15, Regulation XXXVI. 1793, and the corresponding provisions in Regulations XXVIII. 1795, XII. 1805, and XVII. 1803, for Benares, Cuttack, and the ceded and conquered provinces, the *zillah* and city registers, who are also registers of deeds under those regulations, are permitted, in case of absence from their stations, sickness, or any other disqualification from personal attendance, to appoint (with the approbation of the judge to whom they may be registers respectively) a deputy, being a covenanted servant of the Company, to act for them in the registry of deeds; and such deputy, so appointed and approved, after taking a similar oath to that prescribed for the register, is authorized to perform the several acts which the register is empowered to perform, under the regulations above mentioned, and such as have been since enacted relative to the registry of deeds; but much inconvenience has been experienced by the community in consequence of registers, who may be on leave of absence, on deputation, or otherwise disqualified, omitting to appoint a deputy, in the mode prescribed; and also in consequence of occasional vacancies in the office of *zillah* or city register, in which case no provision is made by the existing regulations for the performance of the duty of register of deeds. With a view therefore to provide against the recurrence of such inconvenience, and to supply what is defective in the existing regulations, the following rules have been enacted, to be in force from the date of their promulgation, in the provinces immediately subject to the presidency of Fort William.

II. The office for the registry of deeds in the several *zillahs* and cities, which is provided for by Regulation XXXVI. 1793, extended to Benares by Regulation XXVIII. 1795, and to Cuttack by Section 32. of Regulation XII. 1805, and re-enacted for the ceded provinces in Regulation XVII. 1803, extended to the conquered provinces and Bundelkund by clause first, Section 17, Regulation VIII. 1805, shall in all cases be established at the station of the *zillah* or city court, and shall, as directed by the regulations above mentioned, be superintended by the register of the *zillah* or city court, or where there may be more registers than one, by the register employed at the station of the *zillah* or city court, so long as he may continue to reside at such station, and as already required by the regulations in force, he shall personally discharge the duties of the office committed to him, whilst present at the station, unless prevented by sickness, or otherwise; in which case, as well as in all cases of temporary absence from the station, he is permitted, as heretofore, with the approbation of the judge of the *zillah* or city court to which he may be attached, to appoint a deputy, being a covenanted servant of the Company, and duly qualified to act for him; who after taking an oath, similar to that prescribed for the register of deeds, is authorized to perform the several acts which the register is empowered to perform.

Preamble.

The office for the registry of deeds to be established at the *sudder* station of the *zillah* or city court.

Superintended by the register.

If there be more than one register by the register employed at the *sudder* station.

If the register be prevented from performing this duty by sickness, &c. may appoint a deputy.

With approbation of the judge.

Deputy to be a covenanted servant.

Must take oath.

## A. D. 1824. REGULATION IV.

If register vested with superintendence of the office be absent from station, and have not appointed a deputy, the judge authorized to appoint a deputy.

III. Whenever a *xillah* or city register vested with the superintendence of the registry office, may be absent from the station where the office is established without having appointed a deputy, in pursuance of the foregoing section, the judge of the station is hereby authorized to appoint some duly qualified covenanted servant of the Company to act as deputy register of deeds, and the deputy so appointed, after being duly sworn, shall be authorized to perform the prescribed duties of the office.

Judge shall appoint a qualified person being a covenanted servant to act as register of deeds, when from a vacancy in an office of register, a deputy cannot be appointed.

IV. It shall moreover be the duty of the *xillah* or city judge to appoint a qualified person, being a covenanted servant of the Company, to officiate as register of deeds, whenever, from a vacancy in the office of register, the nomination of a deputy cannot take effect agreeably to the preceding section.

If there be no qualified person at the station, the judge is authorized and required to perform the duty himself.

V. In the event of there being no covenanted servant at the station, to whom, in the cases mentioned in the two preceding sections, the judge may deem it proper to confide the office of registering deeds, he is himself hereby authorized and required to perform the prescribed duties of the office.

Registry of deeds hitherto duly executed by other covenanted servant than the register, with the permission of judge, in absence of register, equally valid, as if executed by register.

VI. The registry of all deeds which may have been hitherto duly executed by a *xillah* or city judge, or other covenanted servant, with his sanction, in the absence of the register, is hereby declared to be of equal validity, as if it had been executed by the *xillah* or city register.

Deputy or acting register to receive the fees.

VII. The deputy or officiating register appointed under Sections 2, 3, or 4, of this regulation shall receive, during the time of his officiating, the fees authorized by the regulations; but whenever the judge may perform the duty, under Section 5, the net amount of such fees, after defraying the necessary expence of the establishment, shall be carried to the credit of Government.

Fees to be carried to the credit of Government when the judge registers deeds, after defraying the necessary expenses of the establishment.

## A. D. 1824. REGULATION V.

A REGULATION *for extending the Operation of Regulation VI. 1823, to the Provinces of Orissa, Behar, and Benares, and to the ceded and conquered Provinces.—Passed by the Governor General in Council, on the 4th March 1824 ; corresponding with the 22d Phaugun 1230 Bengal era ; the 19th Phaugun 1231 Fussily ; the 23d Phaugun 1231 Willaity ; the 3d Phaugun 1880 Sumbut ; and the 2d Rutjeeb 1239 Higeree.*

**W**HEREAS it has been deemed expedient to extend to the provinces of Orissa, Behar, and Benares, and to the ceded and conquered provinces, the operation of Regulation VI. 1823, entitled “ a regulation for authorizing the institution of summary suits, to enforce the execution of certain written engagements for the cultivation and delivery of indigo plant, and for declaring certain principles in regard to the same,” the following rule has been enacted, to take effect in the provinces above enumerated from the date of the promulgation of this regulation.

II. The operation of the provisions of Regulation VI. 1823, is hereby extended to the provinces of Orissa, Behar, and Benares, and to the ceded and conquered provinces.

Preamble.

Regulation VI. 1823, extended to the provinces of Orissa, Behar, and Benares, and to the ceded and conquered provinces.



## A. D. 1824. REGULATION VI.

A REGULATION for defining the Course of Proceeding to be pursued by the Magistrates with respect to Individuals charged before them with two or more Offences in certain Cases ; for modifying Clause second, Section 2, and for amending certain other Provisions of Regulation XII. 1818.—PASSED by the Governor General in Council, on the 25th March 1824; corresponding with the 14th Chyte 1230 Bengul era ; the 10th Chyte 1231 Fussily ; the 15th Chyte 1231 Willaity ; the 10th Chyte 1880 Sumbut ; and the 23d Rujeeb 1239 Higeree.

**W**HEREAS it appears requisite to define the course of proceeding to be pursued in cases of individuals charged before a magistrate with two or more offences of the nature described in clause fourth, Section 2, and clause fourth, Section 3, Regulation XII. 1818, for each of which they would be liable to the punishment prescribed in clause fifth, Section 2, and clause fourth, Section 3. of the above regulation ; and whereas it appears expedient to authorize the magistrates to commit persons charged with the offence of burglary, (as they are now authorized in cases of theft,) to take their trial before the court of circuit whenever they may appear to the magistrate to be deserving of a severer punishment than he is authorized to inflict, although none of the circumstances of aggravation enumerated in clause second, Section 2. of the above regulation may exist ; and whereas it appears expedient to amend certain other provisions of that regulation ; the following rules have been enacted, to be in force from the promulgation of them throughout the territories immediately dependant on the presidency of Fort William.

Preamble.

**II. First.** Whenever a prisoner may be charged before a magistrate or joint magistrate with two or more distinct offences, for neither of which he may have been previously brought to trial ; but for each of which he would be subjected, on conviction, to the penalties prescribed by clause fifth, Section 2, or clause fourth, Section 3, Regulation XII. 1818; the magistrate shall refrain from passing any sentence until he shall have completed his proceedings in both cases.

**Second.** Should the prisoner be convicted of two or more of the offences charged, the magistrate is authorized to reduce the punishment so as not to exceed in the aggregate thirty stripes with a ratan and imprisonment for the term of two years, provided he shall be of opinion, on consideration of the several acts of criminality established against the prisoner and the circumstances of each case, that the punishment above specified is sufficient.

**Third.** If however the magistrate should be of opinion, that the prisoner is deserving of a more severe punishment than that above specified, he shall refrain from passing any sentence, and shall commit the prisoner to take his trial before the court of circuit for each offence.

**III.** In modification of clause second, Section 2, Regulation XII. 1818, the magistrates are hereby declared to be empowered to commit for trial to the court of circuit any person charged with the offence of burglary, whenever they may be of opinion, that there exist any circumstances of aggravation (though not of the nature specified in the clause above quoted)

No sentence to be passed by magistrate on individuals charged with two or more distinct offences punishable under Sections 1, 2, & 3, Regulation XII. 1818, until the proceedings in both cases are completed.

On conviction of two or more charges, magistrate may pass sentence of punishment to the extent authorized for one, if such punishment appears sufficient.

If not sufficient, the magistrate to commit the prisoner to the court of circuit for trial for each offence.

Clause second, Section 2, Regulation XII. 1818, modified.



## A. D. 1824. REGULATION VI.

quoted) such as to render the prisoner deserving of a more severe punishment than the magistrates are competent to inflict.

Section 4, Regulation IV. 1820, applicable to purchasers and receivers of stolen property, when the amount of value stolen shall exceed three hundred rupees.

IV. A doubt having arisen whether the amendment of Section 3, Regulation XII. 1818, contained in Section 4, Regulation IV. 1820, in cases of theft, when the amount or value stolen shall exceed the sum of three hundred rupees, was meant to be applied to purchasers or receivers of stolen property, in amendment of the second clause of Section 4, Regulation XII. 1818, it is hereby declared, that the provision for commitment to the court of circuit contained in Section 4, Regulation IV. 1820, is applicable to purchasers and receivers of stolen property, knowing at the time that such property was stolen, when the amount or value of the property stolen shall exceed three hundred rupees.

Sections 2, 3, and 4. of Regulation XII. 1818, amended.

V. It is further declared, in amendment of the provisions for commitment to the court of circuit, contained in Sections 2, 3, and 4. of Regulation XII. 1818, that a previous conviction of petty theft, not exceeding ten rupees, when unattended with any aggravating circumstance, shall not be deemed a previous conviction of a heinous crime, such as precludes the magistrate's judicial cognizance of a charge of burglary or theft, or of buying or receiving stolen property, and requires that the prisoner be committed for trial before the court of circuit, in any of the sections above mentioned.

## A. D. 1824. REGULATION VII.



A REGULATION for explaining and amending certain Parts of the Regulations at present in force, respecting the Manufacture and Sale of Spirituous Liquors and intoxicating Drugs; and for enacting certain Rules for the better Security of the Revenue derived from the exclusive Manufacture and Sale of Opium.—PASSED by the Governor General in Council, on the 25th March 1824; corresponding with the 14th Chyte 1230 Bengal era; the 10th Chyte 1231 Fussily; the 15th Chyte 1231 Willaity; the 10th Chyte 1880 Sumbut; and the 23d Rajeeb 1239 Higeree.

**W**HEREAS doubts having arisen whether the rules prescribed in Regulation X. 1813, are applicable to the retail sale of spirits imported by sea, or manufactured in this country at distilleries worked according to the European process, it is advisable that such doubts should be removed; and whereas it is also deemed expedient to make certain alterations in the rules at present in force respecting the manufacture and sale of spirituous liquors and intoxicating drugs; and whereas the existing provisions for the security of the revenue derived from the exclusive manufacture and sale of opium, and for the realization of the custom duty chargeable on foreign opium imported by sea, have been found insufficient; the following rules have been passed, and are to be in force from the date of their promulgation throughout the territories immediately dependant on the presidency of Fort William.

Preamble.

**II. First.** It is hereby declared and enacted that the retail sale of spirituous liquors, whether imported by sea or land, or manufactured in this country, by whatever process, except under licenses from a collector, or assistant collector, or other officer duly authorized to grant such license, is and shall be considered to be illegal; and the rules of the existing regulations, whereby certain penalties are prescribed for the illicit sale and manufacture of spirituous liquors, shall be held to be equally applicable to all descriptions of spirits, unless otherwise specially provided. In like manner the retail sales of wines, or fermented liquors of any description, except under license, is hereby prohibited, under pain of the same penalties, as are prescribed for the illicit sale of spirituous liquors.

\* The retail sale of spirits, wines, and all kinds of fermented liquors, except under a collector's license, declared to be illegal and subject to penalties.

**Second.** Persons not being British born subjects shall not construct, or work a distillery of whatever description within the said territories, nor sell within the same spirits or wines of any kind, whether imported by sea or land, or manufactured in the country, without a license from the collector of the district, or other officer in charge of the *abkaree mohaul*.

Persons not being British born subjects prohibited from constructing or working distilleries, and from selling spirits, wines, &c. without a license.

**Third** In like manner persons being British born subjects, shall not construct or work a distillery of any description at a distance, exceeding ten miles from the town of Calcutta, nor retail spirits or wines of any kind in any part of the territories dependant on this presidency, without a license from the collector of the district, or other officer in charge of the *abkaree mohaul*, or specially appointed by Government to collect the duties chargeable on spirits manufactured by the said persons.

British born subjects prohibited from constructing or working a distillery at more than ten miles from Calcutta, and from retailing spirits, wines, &c. in any part of the country, without a license from the collector of the district.

**Fourth.** British born subjects who may work or construct a distillery after the manner in which distilleries are constructed and worked in England, at any place, of which the distance

## A. D. 1824. REGULATION VII.

Such persons constructing or working a distillery in the European manner within the limits above specified, to continue subject to the rules contained in Regulation II. 1802.

### Proviso.

Distillers to pay the prescribed still-head duty to the collector, &c. in charge of the *abkarree mohaul*.

Collectors, &c. authorized to exercise the powers vested by Regulation II. 1802. in justices of the peace.

Proviso in cases where it may be deemed necessary to suspend the operation of particular rules.

And power reserved to substitute such other rules as may from time to time appear expedient.

To what description of spirits the rules in force relative to a drawback on exportation are to be considered applicable.

Spirits manufactured within the foreign settlements, prohibited from being carried out of the limits of such settlements, until the still-head duty shall have been paid.

Rate of duty to be paid to Government by persons receiving a license for the retail sale of spirits manufactured at any European distillery :

A retail duty to be paid on all spirits imported by sea.

tance from Calcutta may not exceed ten miles, shall continue and are hereby declared to be subject to the rules contained in Regulation II. 1802, provided, however, that it shall at all times be competent to the Governor General in Council, by an order in council, to invest such person or persons as may be judged proper with the powers and authority, which under that regulation belong to the justices of the peace acting in and for the 24-Pergunnahs and the districts adjacent to Calcutta.

*Fifth.* All persons not being British born subjects who may construct or work distilleries as aforesaid at any place whatsoever, within the provinces subordinate to this presidency, as well as all British born subjects who may construct or work such distilleries at any place of which the distance from the town of Calcutta may exceed ten miles, shall pay the still-head duty, prescribed by the said regulation, to the collector or officer in charge of the *abkarree mohaul*, or such other officer as the Boards of Revenue may direct to adjust, or receive the same; and the powers vested by the said regulation in the justices of the peace, acting in and for the districts aforesaid, in regard to distilleries constructed or worked as aforesaid beyond the limits aforesaid, are hereby vested in the collectors and other officers in charge of the *abkarree mohaul* for their respective districts.

*Sixth.* Provided however, that when from local circumstances or other sufficient cause, it shall appear to be expedient to suspend the operation of any part of the rules contained in Sections 4, 5, 6, 7, 8, 10, 12, 13, and 14. of the aforesaid regulation, with a view to the relief of the distilleries from unnecessary interference, it shall be competent to the Governor General in Council, by an order in council, to direct the said rules or any part of them to be suspended for such period as may from time to time appear proper, and in lieu thereof to prescribe such other rules relative to the payment of the duty chargeable to the passing and storing of the spirits manufactured, and of the stills, coppers, casks, and other utensils employed in the distillery, to the inspection and examination of the distillery and the warehouses, godowns. or other places used for manufacturing or storing the spirits, and to the furnishing of periodical statements and lists of the spirits and utensils aforesaid, as may from time to time be judged expedient; and for any breach of the rules so prescribed the party offending shall, in addition to all other forfeitures that may attach to the act, forfeit to Government a sum equal to the penalty prescribed for a violation of the rule contained in the fourth section of Regulation II. 1802.

III. *First.* The rules contained in Sections 16, 17, 18, 19, 20, and 21, Regulation II. 1802, are hereby declared to extend to all spirits whatsoever, manufactured in this country at distilleries constructed and worked after the manner in which distilleries are constructed and worked in England. The drawback payable on the exportation of all such spirits shall be paid by the collector of customs, and the accounts thereof shall be adjusted in such manner as the Governor General in Council may direct.

*Second.* Spirits manufactured within any of the foreign settlements on the river Hooghly, shall not be carried out of the limits of such settlements, until a duty equal to the still-head duty chargeable on spirits, manufactured as aforesaid, shall have been paid to the collector at Hooghly, or such other officer as the Governor General in Council may appoint, and a pass for the same obtained from such officer.

IV. *First.* All persons receiving a license for the retail sale of spirits, manufactured at any European distillery, shall pay a duty to Government of such amount per gallon, as shall with the still-head duty equal the highest amount, payable under the rules of Regulation X. 1813, on spirits manufactured at the *sudder* distillery of the district in which such retail sale shall be conducted, or at the nearest *sudder* distillery, if there be none within the district, due allowance being likewise made for the difference in the strength of the spirit.

*Second.* All persons receiving a license for the retail sale of spirits manufactured in Europe or America, of Batavia or Ceylon arrack, or of any spirits whatsoever imported by sea, shall in like manner pay a retail duty to Government of such amount per gallon, as shall with the duty of customs, or other duty paid on the importation of the said spirits, equal the highest amount of duty payable on spirits, manufactured at the *sudder* distillery of the district, or at the nearest distillery, if there be none within the district, allowance being made for the difference in the strength of the spirits.

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**Third.** Persons receiving a license for the retail sale of wines of any sort, shall pay a retail duty to Government equal to the duty payable under the above clauses on proof spirits. And upon the retail sale of wines.

**Fourth.** Persons receiving licenses for the retail of wines or spirituous liquors, shall be previously required to enter into such agreements, relative to the payment of the retail duty, and with such security as the officer granting the licenses, or the Board, or other authority, under which such officer may be placed, shall from time to time direct; and any breach of the conditions stipulated in such agreements shall, besides the forfeiture of any penalty specially provided for, subject the offender to the penalties prescribed for the illicit sale of spirituous liquors. Retailers of wines or spirits previous to receiving a license to enter into engagements, and give security for paying the retail duty.  
Penalty for any breach of such engagements.

**V. First.** The wholesale vend of wines and spirits beyond the limits of Calcutta, excepting under licenses from the collector, or other officer in charge of the *abkaree mohaul*, is hereby prohibited. Persons receiving such licenses shall pay a fee of sixteen rupees for each license received by them. Prohibition against the wholesale vend of wines and spirits, beyond the limits of Calcutta, except by license.  
A fee to be paid for such license.

**Second.** Any sales of wines or spirituous liquors, in a less quantity than two gallons, shall be held to be a retail sale. The sale of less than two gallons of wines or spirits to be considered a retail sale.

**VI.** Licenses for the retail sale of spirits, manufactured at the *sudder* distillery, as well as licenses to persons authorized to manufacture or sell spirits manufactured after the native process, at places beyond the boundaries prescribed for the *sudder* distilleries, shall continue to be granted under the provisions of Regulation X. 1813. Provided, however, that such part of the said provisions as prohibit the introduction within four *coss* of the place, at which the *sudder* distillery of a district is stationed, of spirits manufactured at any other place, shall be held to apply only to persons introducing spirits within the said limits, without having a regular license or pass from an officer authorized by Government to grant the same, and shall not be construed to restrict the revenue authorities from granting licenses or passes, nor to affect their validity when granted. Licenses for the retail sale of spirits manufactured at or beyond the boundaries of the *sudder* distilleries to be granted, as heretofore.  
Proviso.

**VII. First.** Such parts of Sections 19. and 27, Regulation X. 1813, or of any other provision, or regulation in force, as restrict or can be construed to restrict the revenue authorities in the exercise of their discretion relative to the period for which licenses for the manufacture or sale of spirituous liquors, *tauree*, *putchwye*, or of intoxicating drugs, shall be granted, is hereby rescinded. Such parts of the regulations in force as restrict the revenue authorities in regard to the period for granting licenses for the manufacture and sale of spirits, &c. rescinded.

**Second.** Licenses granted under the provisions of this or any other regulation, for the retail sale of spirituous liquors, *tauree*, *putchwye*, or of intoxicating drugs, shall be in force for one year only, from the date on which they may be granted, unless where otherwise specially directed by Government, or by the Board of Revenue, or other authority exercising the powers of that Board, who are hereby declared to be competent, subject to the restriction hereinafter prescribed, to cause licenses for the manufacture or sale of the said articles to be granted for such periods as may in each case be deemed expedient. Licenses for the retail sale of spirits, &c. to be granted for one year, unless otherwise specially ordered by Government or the Board of Revenue.

**Third.** It shall also be competent to the Board of Revenue, or other authority exercising the powers of that Board, with the sanction of Government, to alter and modify the stipulation contained in the licenses held and engagements executed by licensed manufacturers or venders of spirituous or fermented liquors, *tauree*, *putchwye*, or of intoxicating drugs, as may from time to time appear expedient, any thing in the existing regulations notwithstanding; and any violation by such vender or manufacturer of the stipulations specified or engagement executed by him, shall subject the party to the penalties prescribed for illicit sale. Power vested in the Board of Revenue to modify and alter the terms of licenses and engagements as may from time to time appear expedient.

**Fourth.** All licenses as aforesaid shall at all times be resumable by the officer, by whom they may have been granted, or by any other officer exercising similar or superior powers in the management or control of the *abkaree* department at the place, or places, to which the license may apply. Provided, however, that if in any case a license shall be resumed, or refused to be granted by the collector of a district or officer in charge of the *abkaree mohaul*, and the party may consider himself aggrieved by the order passed by the collector in his case, he shall be at liberty to appeal from the order of the collector to the Board of Revenue, or other authority exercising the powers of that Board: and the Board or other authority aforesaid will confirm, modify, or annul the said order, as the circumstances of the case may appear to require. Provided further, that, All licenses declared liable to resumption.  
Proviso allowing an appeal to the Board of Revenue in such cases.

Who may award a compensation to the party aggrieved, unless he has broken the peace or violated any of the regulations.

Courts of justice prohibited from interference.

Fifteen days notice to be given in certain cases to the collector before the year expires, or in failure the license and engagement to remain in full force.

Board of Revenue declared competent to sanction the grant of leases of the duties leviable on the manufacture and sale of spirits, &c. for such periods as may appear advisable.

The existing rules for the recovery of arrears due by the venders or manufacturers of spirits, &c. declared equally applicable to the farmers of duties and their sureties.

Proviso, entitling the farmers of duties to enforce the payment of arrears due to them.

Licenses or leases for more than five years declared invalid, unless sanctioned by the Governor General in Council.

Board of Revenue empowered to authorize manufactories of *putchwee* and other spirituous liquors, &c. to be established under the rules in force in any district subject to its authority.

And to amend and alter such rules when necessary.

Board of Revenue authorized to direct the discontinuance of established *sudder* distilleries whenever such a measure may be deemed expedient.

if a collector or other officer in charge of the *abkaree mohaul* shall cancel the license granted to any retail vender of spirituous liquors, or intoxicating drugs, for any cause excepting for a breach of the peace, or a violation of any of the regulations, or orders of Government, without previous notice of one month, the party whose license may be cancelled shall receive such compensation for any damage he may thereby sustain as the Board of Revenue, or other authority aforesaid, shall adjudge on a consideration of the circumstances of the case: but no suit, for the recovery of damages alleged to be sustained, from the revocation of a license by a collector or other officer in charge of the *abkaree mohaul*, shall be entertained by any court of judicature. Provided likewise, that licenses granted under the provisions of Regulation X. 1813, or Regulation XIII. 1816, of which the period may be limited to one year, and the corresponding engagements entered into by the venders of spirituous liquors and intoxicating drugs, shall be required to be formally renewed from year to year: but if the person or persons holding such license shall not give notice to the collector, or other officer in charge of the *abkaree mohaul*, fifteen days previous to the expiration of the year, according to the era current in the district, of his or their intention to relinquish it at the expiration of the year, and the license be not revoked by the collector or officer aforesaid, the license held and engagement entered into by the party shall remain in full force as if the said license and engagement had been solemnly renewed.

**VIII. First.** The Board of Revenue, and other authorities exercising the powers of that Board, are similarly declared competent, under the restriction hereafter prescribed, to cause leases of the duties leviable on the manufacture and sale of spirituous or fermented liquors, *tauree*, and *putchwee*, and of intoxicating drugs, to be granted for such periods as they may deem advisable, such leases to be liable to be revoked by orders of the said Board, or other authority, or of the Governor General in Council, and compensation to be awarded in such case to the party, in the manner above prescribed for the case of the resumption of licenses.

**Second.** The rules contained in Regulation XVII. 1814, relative to the recovery of arrears due from persons selling or manufacturing spirituous liquors, *tauree*, *putchwee*, or intoxicating drugs, shall be, and be considered equally applicable to persons to whom the duties leviable on the manufacture and sale of the said articles, or any of them may be farmed, and to the sureties of such persons. Provided further, that the farmers of such duties shall be entitled to use and cause to be enforced the same means and process for the recovery of arrears due to them by the venders and manufacturers of the article aforesaid, or any of them, within the limits of their respective farms, as *xemindars*, or other *sudder malguzars*, do or may lawfully use and cause to be enforced for the realization of arrears of rent due by their under-tenants, subject to the same rules and restrictions as attach to such *xemindars*, and *sudder malguzars* in that behalf.

**IX. First.** No licenses or leases for a period exceeding five years shall be held to be binding on Government, unless they shall have been granted with the sanction of the Governor General in Council.

**Second.** The following rules are passed in modification of the provisions contained in Section 3, Regulation X. 1813.

**Third.** It shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, with the sanction of Government, to cause manufactories of the liquor denominated *putchwee*, or any other spirituous liquor, or intoxicating drug, to which the system may be advantageously applicable, to be established in all or any of the districts subject to its authority, under the same rules and provisions as are prescribed in Regulation X. 1813, for the establishment and management of *sudder* distilleries, in so far as the same can be applied, and likewise, with the said sanction, to make such alterations in, and additions to the existing rules and provisions relative to the management of the said establishments, as may from time to time be deemed expedient.

**Fourth.** It shall and may be lawful for the Board of Revenue, or other authority exercising the powers of that Board, to direct the discontinuance of the *sudder* distillery, or distilleries, established under the provisions of the aforesaid regulation, within any of the districts under their superintendence, whenever and so long as such a measure may appear to be expedient,

dient, and in such cases, and so long as the said distillery or distilleries may be discontinued; the general rules applicable to places beyond the limits of *sudder* distilleries shall apply to the *sudder* station of the collector, deputy or assistant collector, and its vicinity, the special provisions relative to *sudder* distilleries and the places within limits thereof being to the like extent and for the like period suspended.

Application of the general rules in such cases.

*Fifth.* Provided also, that it shall and may be lawful for the said Board, or other authority aforesaid, to fix the limits within which the spirits manufactured at any *sudder* distillery are exclusively to be sold, and the special rules applicable to such distilleries enforced in such manner as may in each case from time to time appear to be expedient; and wherever the special rules aforesaid may so cease, the manufacture and sale of spirituous liquors will of course become subject to the general provisions applicable to places beyond the said limits.

Board of Revenue empowered to fix the limits within which spirits manufactured at a *sudder* distillery must be sold.

X. *First.* If any British born subject shall retail spirits or wines of any description, in any place, of which the distance from the town of Calcutta may not exceed ten miles, without a license duly granted to him, he, she, or they, so offending, shall for every such sale, forfeit the sum of sicca rupees five hundred, to be heard, adjudged, and determined, according to the rules prescribed in Section 33, Regulation II. 1802.

Penalty to which British born subjects are declared liable for retailing spirits or wines at no greater distance than 10 miles from Calcutta without a regular license for so doing.

*Second.* The rules contained in Sections 21, 22, 23, and 24, Regulation X. 1813, are hereby declared applicable to all persons, as well British born as others, who shall retail in any part of the provinces subordinate to this presidency, at the distance of more than ten miles from Calcutta, spirituous liquors, or wines, of any description, without a license, as well as to all persons not being British born, who shall retail spirituous liquors of any description without a license, in any place beyond the limits of Calcutta.

The existing penal rules declared applicable to all persons (British born and others)\* who without a license shall retail spirits or wines at any place distant more than ten miles from Calcutta.

XI. Foreign spirits, and spirits manufactured in this country, according to the European process, which may be found in transit without the proper pass, *romannah*, or certificate, attesting the payment of the import or still-head duty, not being evidently designed for the immediate private use or consumption of the owner, shall be confiscated, and the owner, or person in charge of the same, shall be subject to the penalties prescribed in Regulation X. 1813, for the illicit sale and manufacture of spirituous liquors and intoxicating drugs; the said forfeiture and penalty to be adjudged and determined and enforced, according to the rules of the said regulation, and other existing regulations, relative to the adjudication and enforcement of fines and forfeitures for illicit dealings in spirits and intoxicating drugs. The same penalties shall attach to any person not being a licensed vender, who may be found in possession of any quantity of spirits or intoxicating drugs, exceeding the quantity which licensed retail venders can, or may, legally sell or allow to be removed from their shops. Provided, however, that the above rules shall not be considered to apply to liquors which individuals may have legally purchased for private use, and if the quantity may not exceed what the condition and circumstances of the party may render it probable that he should possess for that purpose.

And to all persons not being British born, who without a license may retail spirits at any place beyond the limits of Calcutta.

Penalty on persons conveying away foreign or other spirits not intended for private consumption, without a pass attesting the payment of the prescribed duties.

Proviso.

XII. *First.* Certificates attesting the payment of the still-head duty, shall be granted to all persons removing spirits from any established distillery by the officer or officers entrusted with the collection of the same, or such person as he or they may appoint. Such certificates shall be in force for one year only from the date on which they may be granted, but the owner of the spirits covered by any certificate shall be entitled to an exchange certificate for another year, on applying to the officer in charge of the *abkaree mohaul*, and satisfying him that the identical spirits are forthcoming, such certificate being renewable in like manner yearly. A fee at the rate of two per cent. on the amount of the duty specified in the certificate, shall be paid to the officer granting a renewal of it.

Certificates attesting the payment of the still-head duty to be granted by the collector for one year only.

But an exchange certificate for another year may be granted on application.

A fee to be paid on such renewal.

*Second.* Any dealer in spirits being desirous of dividing a despatch of spirits, covered by a single certificate, into smaller quantities, shall be entitled to receive, from the officer in charge of the *abkaree mohaul*, as many parcel certificates as he may require, on surrendering the original certificate, and satisfying the officer that the identical spirits therein referred to are forthcoming. A like fee of two per cent. on the amount specified in the parcel certificates, shall be paid to the officer granting the same.

Dealers in spirits, if desirous of dividing a despatch of spirits, entitled to receive parcel certificates, on surrendering the original certificate and furnishing satisfactory information.

A fee to be paid on such occasions.

To what penalties per-

XIII. *First.* Any person entrusted with the charge of a *sudder* distillery, or in any manner employed by the collector of the *abkaree* revenue, who may be convicted, in the mode prescribed

sons in charge of *sudder* distilleries are subject, on being convicted of a fraudulent breach of trust.

Punishment to which native officers are subject on being convicted of conniving at the establishment of unlicensed shops.

Informers entitled to a moiety of the fine on the conviction of a native officer.

Penalty in cases where such information originates in malice, &c.

*Churrus* allowed to be retailed under the same rules and restrictions, as *ganja*, &c.

Punishment to which proprietors and managers of land are declared liable on being convicted of conniving at the illicit manufacture or sale of spirits, intoxicating drugs, &c. within their estates or farms.

Such charges declared cognizable by the collector, and to be investigated under the rules in force.

Proviso against the issue of a warrant in such cases.

Further proviso as to the mode of proceeding on such occasions.

Power reserved to Government for granting authority to public officers and others to seize contraband spirits, opium, &c. within certain limits.

Mode of proceeding to be observed on such occasions.

prescribed by Section 22, Regulation X. of 1813, of any fraudulent breach of trust in the execution of his duty, shall be subject to the penalties prescribed by Section 21. of the said regulation.

*Second.* *Cutwals*, *darogahs* of police, *cutwals* of military bazars, and other native officers, invested with local jurisdiction, who may authorize, support, countenance, or connive at, the establishment of any unlicensed shop or shops in any place subject to their control or influence, shall; besides being liable to dismissal from office, be further subject on conviction before the magistrate of the *sillah*, to the payment of a fine not exceeding rupees five hundred. The fine, if not duly paid, shall be commutable to imprisonment for a period not exceeding six months.

XIV. Any person giving information, by which a native officer shall be prosecuted to conviction, shall be entitled to a moiety of the fine which may be levied from the offender. But should it appear on investigation that the information originated in malice, or in motives clearly vexatious and unwarrantable on the side of the informant, it shall be competent for the officer by whom the case may be tried, to impose such a fine as may appear to be reasonable, not exceeding however in any case fifty rupees, or to order the offender to be imprisoned for a period not exceeding fifteen days.

XV. By clause second, Section 15, of Regulation X. 1813, the sale of *churrus* is prohibited; but on a strict examination of that article it does not appear that it is of the noxious quality supposed, nor in any respect more prejudicial to health than *ganja*, or other intoxicating drugs, the sale of which has been allowed. It is therefore hereby declared that *churrus* may be retailed in the same manner, and under the same rules and restrictions as *ganja* and other intoxicating drugs.

XVI. *First.* The following rule is enacted in lieu of Section 30, Regulation X. 1813.

*Second.* If any proprietor, farmer, *sexawul*, *tehsildar*, or other manager of land, shall authorize or connive at the illicit manufacture or sale of spirituous liquors, *jauree*, or intoxicating drugs, whether in a dry state or infused in water or other fluid, within the estate or farm held or managed by them, he shall, on conviction before the collector of land revenue, or other officer in charge of the *abkaree mohaul*, be liable to the payment of a fine not exceeding rupees five hundred, commutable, if not paid, to imprisonment for a period not exceeding six months.

*Third.* All charges of the nature specified in the above clause are hereby declared cognizable exclusively by the collector of land revenue or other officer in charge of the *abkaree mohaul*, any thing in the existing regulations to the contrary notwithstanding, and the investigation thereof shall be conducted under the rules contained in Section 22, Regulation X. 1813. Provided however, that the collector or other officer aforesaid shall not in such cases issue a warrant for the apprehension of the person charged with the said offence, but shall proceed in the manner prescribed in Section 84, Regulation XIII. 1816, in regard to persons accused of acts done in violation of the rules of that regulation.

*Fourth.* Provided further, that the rules and provisions contained in Sections 81, 82, 85, 86, 87, 88, 89, and 90, Regulation XIII. 1816, shall be held and considered applicable to all cases in which persons shall be accused before the collector or other officer in charge of the *abkaree mohaul*, of acts rendering them liable to any of the penalties prescribed in this regulation or Regulation X. 1813.

XVII. *First.* In modification of the rule contained in Section 41, Regulation XIII. 1816, it is hereby enacted, that it shall and may be lawful for the Governor General in Council, to grant authority to such public officers, or other persons whatsoever, to seize and detain contraband spirits, opium, and other intoxicating drugs, and within such local limits as he may from time to time judge necessary or expedient.

*Second.* Whenever any person not vested with powers of seizure by the general regulations may be specially authorized to seize, under the above rule, the arrangement shall be notified by an advertisement published in the *cutcherree* of the officer in charge of the *abkaree mohaul*, and in the *adawlut* of the city or *sillah* within the jurisdiction of which the authority so given is to be exercised.



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**XVIII. First.** Any person who shall directly or indirectly be concerned in, or who shall in any way cause, encourage, promote, or advise, the illegal cultivation of the poppy, shall be liable to the same penalties and forfeitures, as are prescribed for the case of persons illicitly cultivating the poppy.

Penalty on persons concerned in encouraging or advising the illegal cultivation of the poppy.

**Second.** All native officers of Government of whatever description, including *chokeedars*, *pykes*, or other officers of village police, are strictly enjoined to assist in preventing the illicit cultivation of the poppy, by giving instant information to the authority to which they are immediately subordinate, whenever it may come to their knowledge, that any land has been illicitly so cultivated; and if any officer aforesaid shall neglect to give information as above directed, or shall in any respect connive at the illicit cultivation of the poppy, he shall be liable to the same penalty as prescribed for the case of police and *abkaree darogahs* permitting or conniving at the same by Section 36, Regulation XIII. 1816.

Native officers required to assist in preventing the above offence.

Penalty in case of neglect of duty.

**Third.** The like penalty shall attach to any *putwaree* who may neglect to inform the *canoongoe* of the *pergunnah*, or the collector of the district, of the illicit cultivation of the poppy, whenever the same may come to his knowledge.

Similar penalty on *putwarees*.

**Fourth.** Provided further, that in all cases wherein any person or persons may be convicted of illicit dealings in regard to opium, if the forfeiture incurred shall not amount to the sum of five hundred rupees, the person or persons aforesaid shall each of them forfeit to Government such further sum in addition to the prescribed forfeiture, as with the same may make the total penalty imposed amount to the said sum of rupees five hundred, the said penalty if not paid to be commutable to imprisonment for a period not exceeding six months.

Proviso in cases where the value of forfeited opium may not amount to the full sum of the penalty incurred.

**Fifth.** Any person or persons purchasing or receiving opium from a cultivator or other person, who may have entered into engagements for the cultivation of the poppy, or who may be employed in the provision of opium on account of Government, or bargaining for the purchase of opium with such cultivator, or other person aforesaid, or in any way causing, encouraging, or advising, such cultivator or person to embezzle or illegally dispose of any opium, shall each and all of them forfeit to Government a sum equal to three times the penalty, prescribed in Section 45, Regulation XIII. 1816, for the illicit purchase or possession of opium, viz. the sum of twenty-four and forty-eight rupees per seer on the quantity of opium purchased, bargained for, or designed to be illicitly disposed of, as the case may be; and in cases wherein the said forfeiture shall not amount to the sum of one thousand and five hundred rupees, the party or parties aforesaid shall each of them forfeit such further sum, as with the forfeiture aforesaid, shall make the total penalty imposed amount to sicca rupees one thousand and five hundred: the said fines if not paid shall be commutable to imprisonment for a period not exceeding twelve months. In addition to the said penalties the offender shall be subject to imprisonment for the term prescribed in the aforesaid section for cases of illicit purchase or possession of opium.

Penalty on persons purchasing, bargaining for, or encouraging the embezzlement of opium, through the medium of cultivators of the poppy, or those employed in the provision of opium, on account of Government.

Proviso in cases where the opium illegally purchased or bargained for, shall not amount to the sum of one thousand and five hundred rupees.

**Sixth.** Native officers of Government of every description, and especially all such officers in the districts within which or in the neighbourhood of which opium is manufactured on the public account, are hereby strictly enjoined to assist to the utmost of their power in the suppression of the illicit sale, purchase, importation, transportation, or possession, of opium, by seizing the same, if authorized to do so, or if not vested with the power of seizure, by giving immediate information to the authority to which they may be respectively subject, of all instances of such illicit sale, purchase, importation, transportation, or possession of opium, which may come to their knowledge; and any native officer aforesaid, who may connive at the illicit sale, purchase, importation, transportation, or possession, of opium, or who may neglect to give information in either of those cases, shall, on conviction before the *zillah* or city magistrate, (if the native officer be subordinate to them, or in other cases before the collector of land revenue or officer in charge of the *abkaree mohaul*,) be liable to a fine not exceeding eight sicca rupees for each and every seer so sold, purchased, imported, transported, or possessed, with his knowledge or connivance, commutable in the event of its not being paid to imprisonment for a period not exceeding six months. And if the quantity of opium so sold, purchased, imported, transported, or possessed, cannot be ascertained, then and in that case the officer offending as aforesaid, shall be liable to a fine not exceeding one thousand rupees, commutable as aforesaid to imprisonment for a period not exceeding six months.

Native officers of Government required to suppress the illicit sale, purchase, and possession of opium by every means in their power.

Penalty on being convicted of connivance, or neglect of duty.



Punishment for forcibly resisting a public officer employed in the seizure of contraband opium.

*Seventh.* Any person who may by force or threats prevent an officer from effecting the seizure of any opium, suspected to be contraband, or who may forcibly resist such officer in the execution of that duty, shall in addition to the penalty prescribed for cases of connivance be liable on conviction before a magistrate to a fine not exceeding one thousand rupees. Parties so offending shall further be liable, in the event of any affray or other breach of the peace occurring in consequence of their resistance, to be punished under the general rules applicable to such cases.

Officers how to proceed in cases where they may apprehend opposition or resistance in making seizures of contraband opium, &c.

*Eighth.* It is hereby further declared and enacted, that if any officer authorized to attach opium, shall have seized, or be about to seize any despatch of opium on information or suspicion of its being contraband, or shall have effected, or be about to effect the attachment of the cattle, carriages, or boats, used in transporting such opium, and shall have reason to apprehend forcible resistance, such officer shall apply to the nearest *darogah* to aid him in the execution of his duty; and all *darogahs* or other officers in charge of *thanas* or *chokees* to whom such application shall be made, or who may otherwise have reason to apprehend the occurrence of a breach of the peace, in consequence of a seizure of opium, shall immediately afford the requisite aid to effect the seizure and preserve the peace.

Such seizures to be made at the sole risk and responsibility of the officers seizing.

*Ninth.* Such seizures shall be made on the responsibility and at the risk of the officers authorized to seize, and the police officers shall not be competent to exercise any discretion in regard to the propriety or otherwise of the seizure, which they may be called upon to support, but shall be careful to prevent any unnecessary violence.

The opium agents of Behar and Benares empowered to exercise the judicial powers vested in collectors of revenue by Regulation XIII. 1816.

*XIX. First.* Whatever judicial powers are declared by Regulation XIII. of 1816, to be vested in the collectors of land revenue or officers in charge of the *abkaree mohaul*, shall also belong to, and be discharged by the opium agents of Behar and Benares, and their respective deputies; and the investigation of all suits, complaints, or informations, which may come before them for the recovery of any fine or penalty recoverable by Government, or by the informer, on account of the illicit cultivation, manufacture, sale, purchase, importation, transportation, or possession of opium, shall be conducted under the same rules as are in force, for the guidance of the collectors of land revenue or other officers in charge of the *abkaree mohaul*.

Subject to the control of the Board of Customs, Salt, and Opium.

*Second.* Provided however, that the Board of Customs, Salt, and Opium, shall exercise the same control over the opium agents of Behar and Benares, and their respective deputies (including collectors of land revenue, when employed in the opium department) in the discharge of the duties entrusted to them under this section, as the Board of Revenue are directed to exercise over the collectors of land revenue, or officers in charge of the *abkaree mohaul* by Section 96, Regulation XIII. of 1816, and appeals from the judgment passed, or the acts done by the opium agents and their deputies, shall be preferred to the Board of Customs, Salt, and Opium, under the same rules and conditions, as are prescribed by Section 96, Regulation XIII. of 1816, in the case of appeals to the Board of Revenue, from the judgment of collectors of land revenue, or other officers in charge of the *abkaree mohaul*.

Medical officers, when required by the collectors and agents, to regulate and class all confiscated opium under distinct heads.

*XX.* It shall be the duty of all medical officers, who may be called upon by the collectors of land revenue or other officers in charge of the *abkaree mohaul*, or by the opium agents of Behar and Benares, and their respective deputies, to report on the quality of any seized or confiscated opium, to class the same under one of the four following heads, &c.

"Good opium," by which is meant perfectly pure opium.

"Marketable opium," or opium having one quarter of foreign matter in it.

"Inferior opium," or opium having more than one half of foreign matter in it; or

"Useless opium," by which is to be understood opium so adulterated, as not to be fit for any of the ordinary purposes of the drug, medicinal, or otherwise.

Opium agents not entitled to any share of rewards as heretofore for opium seized and confiscated by their officers or under their orders.

*XXI. First.* The opium agents and their deputies shall not be entitled to any share of the rewards, heretofore received by them for opium, which may have been attached, or confiscated by their respective order, or by their respective officers; and, in further modification of the provisions of Regulation XIII. 1816, and XI. of 1818, relative to the rewards to be paid on the seizure and confiscation of contraband opium, the following rules are enacted. Provided also, that it shall be competent to the Governor General in Council, by an order in council, to discontinue the payment of the said rewards to any other officers, being

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covenanted servants of the Company, and to modify the distribution thereof in such manner as may from time to time appear expedient.

Proviso as to the discontinuance of rewards to other officers.

**Second.** In case any attachment of illicit opium shall be made on information, and the opium shall be confiscated, the person or persons on whose information the same may have been seized, shall be entitled, provided the opium is declared by the civil surgeon of the station to be "good," to a reward calculated at the rate of one rupee eight annas per seer of 82 sicca weight on the opium so confiscated; and the native officer or officers of Government who upon such information made the attachment, or were immediately concerned in making it, shall be entitled to a similar reward. If the seizure of such opium shall have been made exclusively by the officer or officers of Government, and not upon information given by any other person, such native officer or officers shall be entitled to a reward at the rate of three rupees per seer of 82 sicca weight in the opium which may have been seized and confiscated.

Specification of rewards to be paid to informers and native officers concerned in the seizure of "good" opium.

**Third.** If the opium shall be declared "marketable," the informer or informers shall be entitled to a reward of twelve annas per seer of 82 sicca weight on the quantity of opium seized and confiscated, and the native officer or officers who seized it upon such information to a similar reward; in case the seizure of such opium shall have been made exclusively by the officer or officers of Government, and not upon information, such officer or officers shall be entitled to a reward of one rupee eight annas per seer of 82 sicca weight on the quantity of opium which may have been seized and confiscated.

Rewards for the seizure of "marketable" opium.

**Fourth.** If the opium shall be pronounced "inferior," the informer or informers shall receive a reward of ten annas per seer on the quantity confiscated, and the seizer or seizers of the opium on such information shall be entitled to a reward at the same rate.

Rewards for the seizure of "inferior" opium.

**Fifth.** In either of the three foregoing cases, that is to say, whenever opium shall be seized and confiscated, which is declared by the medical officer to be either good, marketable, or inferior, the persons on whose information the same may have been seized, shall receive one half of any fine which may be levied in consequence, and a moiety of the amount proceeds of the sale of any boat, carriage, or other vehicle, bullock, or other beast of burthen, box, chest, or other package, which may have been seized with it, and the native officer or officers who seized it upon such information, to one-fourth of the fine that may be levied, and a similar proportion of the amount proceeds of the confiscated article that may have accompanied it. If the seizure shall have been effected exclusively by the officers of Government and not upon information, such officer or officers shall receive, besides the rewards above assigned to them, three-fourths of any fine levied in consequence of the seizure, and an equal proportion of the amount proceeds of the sale of the boat, carriage, or other vehicle, bullock, or other beast of burthen, box, chest, or other package, which may have been seized and confiscated.

In the foregoing cases informers to receive a moiety and native officer a fourth of all fines, and of the proceeds of boats, carriages, cattle, &c. seized with contraband opium.

**Sixth.** No reward shall be payable on opium declared to be useless, which may be seized and confiscated.

But if the seizure is effected by native officers without the intervention of an informer, such officers to receive three-fourths of the fines and proceeds.

No reward to be given for the seizure of useless opium.

**XXII.** Whenever any party shall have been subjected to a fine under the provisions of this regulation, it shall be competent to the officer by whom the fine may have been adjudged, in the event of its not being immediately discharged, not only to transmit the party fined to the judge of the *dewanny adawlut* in order that he may be confined as already provided for, but likewise to have recourse to the attachment and sale of any personal property belonging to the party; and in the event of the amount of the fine not being liquidated by the sale of such personal property, recourse shall then be had to the sale of any real property which may belong to the party, under the rules for the sale of lands in liquidation of arrears of revenue.

Collectors, &c. how to proceed to compel payment of fines under this regulation.

**XXIII. First.** It is hereby enacted, that it shall and may be lawful for the opium agents and deputy opium agents, subject to the orders of the Board of Customs, Salt, and Opium, to punish any of the native officers belonging to their establishments, as well as *muhtoes* and other intermediate managers between the officers of Government and the

Opium agents and their deputies empowered to punish their native officers, &c. for neglect of duty or acts of oppression.

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opium *ryots*, for any neglect or breach of duty, or any act of oppression which may not appear to be such as to require the interposition of the magistrate or criminal courts, by a moderate fine, not exceeding in any case fifty rupees, and commutable, if not paid, into imprisonment in the *dewanny* jail for a period not exceeding one month.

And to recover balances due by opium cultivators, &c. by a distraint and sale of lands, with such powers as are vested in the collectors of the land revenue.

*Second.* Provided also, that it shall and may be lawful for the opium agents, and deputy opium agents, with the sanction of the said Board, to recover any balances or sums of money due by any opium cultivator, or by any of the subordinate officers of the factory, or by any *mukhtoo*, or intermediate manager, or by the surety of such cultivator, officer, or manager aforesaid, by the process of distraint and sale in the same manner, and with the same powers as collectors of the land revenue are authorized to exercise in distraining, for the recovery of rents due by *ryots*, and other tenants in estates held *khas*.

### SPECIAL RULES FOR CALCUTTA.

Unlicensed persons residing in Calcutta prohibited from having in their possession more than a pound of foreign opium, unless under a certificate from the secretary to the Board of Customs, Salt, and Opium.

Penalty in cases where more than a pound of foreign opium is discovered without such a certificate to protect.

What such certificates are to contain, and by whom to be registered.

Rule to be observed by persons applying for permission to export by sea opium covered by a certificate.

Penalty for an infringement of such rule.

Certificates to be in force for one year only.

But if produced before the expiration of the year may be renewed at the discretion of the Board.

Unrenewed certificates after the lapse of a year to be considered null and void.

**XXIV. First.** With a view of better securing the duty imposed on the importation of foreign opium by sea, under the rules of Regulation XVI. of 1817, it is hereby enacted, that no person not being specially licensed by the collector of sea customs in Calcutta, or by the Board of Customs, Salt, and Opium, shall within the city of Calcutta, have in his possession more than one pound of opium at a time, without a certificate from the secretary to the said Board, evidencing that the same has been regularly imported by sea, and paid the duty prescribed in such case, or that it has been purchased at one of the sales held on the public account in Calcutta; and any opium exceeding one pound in quantity, which may be found without such a document to protect it, or which may disagree in any respect with the certificate in the possession of individuals not being licensed as aforesaid, shall be forfeited to Government, and shall be seized by or under the warrant of the said collector, or any of the magistrates of Calcutta, and the person or persons in whose possession it was found, shall forfeit to Government a sum equal to three times the amount of the duty imposed on the importation of the article by sea under the regulation aforesaid.

*Second.* The certificates directed to be issued by this regulation from the office of the Board of Customs, Salt, and Opium, shall contain, besides such other particulars as to that authority may appear fit, the name of the holder, the quantity of the drug, and purpose for which it is allowed to be retained, the number of the lot or lots as per sale book, if purchased at the Calcutta sales, with the number and mark on each of the chests, the cost of the opium per chest, and the date of the sale; and in the event of its having been imported by sea, the date and number of the opium as entered in the import registry book of the custom-house, the name of the importer, and of the ship in which it was imported; and each certificate so issued shall be separately registered by the secretary to the Board aforesaid, and shall bear the signature of that officer in evidence of its authority.

*Third.* In case it shall be required to export by sea any opium so covered by a certificate, it shall be the duty of the exporter to surrender the certificate at the time of his making his export application to the collector of sea customs, and any opium passed or attempted to be passed for exportation by sea without a certificate, or which may not correspond with the certificate, shall be forfeited as aforesaid, and the person or persons in whose possession it may be found, shall be liable to the penalty prescribed in the first clause of this section, for the case of the illicit possession of opium generally in Calcutta.

*Fourth.* Certificates issued under the above rules shall be in force for one year only from their date, provided, however, that it shall be competent to the Board of Customs, Salt, and Opium to authorize their renewal for another year, and so on successively, as often as they may think proper, in the event of their being produced before the expiration of the period, for which they may respectively be current. Certificates which have exceeded the term of their currency, shall be considered as wholly null and void, and shall in no degree protect any opium which they may accompany.

## A. D. 1824. REGULATION VIII.

A REGULATION for rescinding Regulation IV. of 1813, for determining the Rates of Toll to be levied on Boats, Rafts, Timbers, and the like, passing through the Bhagaruttee, Jellinghee, Issamuttee, Matabhangah, and Choornee Rivers; and for providing for the better Collection of the Toll, and for the secure Navigation of the aforesaid and other navigable Rivers.—PASSED by the Governor General in Council, on the 8th April 1824; corresponding with the 28th Cheyite 1230 Bengal era; the 24th Cheyite 1231 Fussily; the 29th Cheyite 1231 Willaity; the 9th Cheyite 1881 Sumbut; and the 7th Shaban 1239 Higeree.

**W**HEREAS the rules contained in Regulation IV. 1813, relative to the collection of tolls on boats passing through the canal therein specified, have been found to be defective; and whereas from the extent of the changes which annually occur in the course of the Ganges, and in the streams which branch off from it, it appears to be necessary for the purpose of keeping open a direct channel of communication between the Hooghly and that river, that the measures heretofore pursued in regard to the Issamutty, Matabhangah, and Choornee, should be extended to the Bhagaruttee and Jellinghee rivers, and that in all these streams further means should be adopted for removing the obstructions by which the passage through them is impeded; and whereas an officer has been specially appointed to conduct the operations requisite for the above purpose, and generally to consider and give effect to the measures necessary for facilitating the navigation of the rivers abovementioned; and whereas the arrangements in question have occasioned and must necessarily occasion a considerable annual expense, to defray which it is reasonable and proper that a moderate toll should be levied on all boats, timbers, and the like passing through the said streams; and whereas it is necessary to make provision for the collection of the toll in such manner, as with reference to the varying circumstances of the rivers in question, may, from time to time, appear best calculated to secure the public convenience; and whereas it is expedient to vest the officer aforesaid, and other officers exercising similar functions, with such powers and authority as may enable him promptly to remove all trees, timbers, sunken boats, or the like, by which the navigation of the rivers and streams aforesaid, and other navigable rivers and streams may be, or be likely to be impeded, to prevent all artificial impediments, and so to guard against all accidental causes of obstruction, as best to provide for the convenience and safety of all persons passing through the said streams, the following rules have been enacted, to be in force from the date of their promulgation.

II. *First.* Regulation IV. of 1813, is hereby rescinded.

*Second.* Tolls at the rates specified in the Schedule No. 1, annexed to this regulation, shall be levied on all boats, timbers, bamboos, rafts, floats, and the like, passing through or within the rivers mentioned in the preamble, at such stations or places as the Governor General may, by an order in council, from time to time direct. The said tolls shall be levied by such officer or officers, as the Governor General in Council may appoint to collect the same; and the officer or officers so appointed shall act under the immediate control and direction of the Board of Revenue for the lower provinces.

Preamble.

Regulation IV. 1813, rescinded.

Tolls at specified rates to be levied by an officer of Government under the control of the Board of Revenue on all boats, timbers, rafts, floats, &c. passing through the Bhagaruttee, Jellinghee, Issamutty, Matabhangah, and Choornee rivers.

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Collectors of tolls to be assisted by establishments of native officers, and to exercise powers similar to the collectors of land revenue in the appointment, removal, and punishment of their subordinate officers.

Tolls to be levied on all boats entering or returning by the rivers specified, and whether laden with imported or exported goods.

Rule to be observed in determining the tonnage of boats, &c. on which the authorized tolls are to be levied.

Boats not exceeding 50 maunds to be rated as 25 maunds burthen, and pay toll accordingly.

Boats above 50 and not exceeding 75 maunds to be rated at 50, and pay the prescribed toll.

Boats above 75 and not exceeding 100 maunds to pay toll for 75 maunds, and so on progressively.

On the tonnage exceeding 50 maunds, the allowance to extend to 50 maunds, and on boats of above, 1000 maunds the toll on 100 maunds to be relinquished.

No fleet of boats or rafts to float at one time more than twenty timbers through any of the rivers specifically named.

Nor more than twelve timbers by a single boat or raft.

Nor more than six timbers between the 1st December and 1st July.

Penalty for infringing any of the above rules.

Collector empowered in certain cases to detain boats, rafts, &c. until the toll or penalty demandable thereon shall have been liquidated.

Collector in such cases to report to the Board of Revenue, and notify the sale of the articles by proclamation after an interval of 15 days.

No sale to take place until authorized by the Board of Revenue.

Penalty for attempting to pass boats, &c. free of toll, after having been boarded by the collector's toll boat.

**III.** The collectors of tolls shall be assisted by such an establishment of native officers as the Government may deem necessary, and in regard to the nomination, appointment, removal, or punishment, of such officers, the collectors shall be guided by the provisions of the existing regulations which define the authority to be exercised in these matters by the collectors of the land revenue; and all rules contained in the existing regulations applicable to officers entrusted with the charge of public money or records, shall be held to be applicable to the subordinate officers on the collector's establishment who may be so entrusted.

**IV.** The said tolls shall be levied on all boats, whether entering into, or returning by the aforesaid rivers, and whether freighted with articles to be imported or exported.

**V.** In order to obviate the delay which must be created, if boats liable to tolls, varying according to their burthen, were detained for the purpose of minutely ascertaining their exact capacity, the following rule for determining the tonnage, according to which the authorized tolls are to be levied, has been prescribed and is henceforward to be observed.

*First.* Boats of a burthen, not exceeding 50 maunds, shall be rated as of 25 maunds burthen, and shall pay the toll appointed for boats of 25 maunds tonnage.

*Secondly.* Boats of a burthen above 50 maunds, and not exceeding 75 maunds, shall be rated as of 50 maunds burthen, and shall pay the toll appointed for boats of 50 maunds.

*Thirdly.* Boats of a burthen above 75 maunds, and not exceeding 100 maunds, shall be rated as of 75 maunds burthen, and pay the toll appointed for boats of 75 maunds, and so on until the tonnage shall exceed 500 maunds, when the allowance shall extend to 50 maunds, and on boats exceeding 1000 maunds in burthen, the toll chargeable on any portion of 100 maunds shall be relinquished in the manner shewn in the Schedule No. 2, annexed to this regulation.

**VI.** *First.* No fleet of boats or rafts carrying or floating wood, or timbers, exceeding twenty in number, shall pass or enter at one and the same time into, through, or within, the aforesaid rivers.

*Second.* No boat or raft carrying or floating a greater number than twelve timbers, shall at any time be permitted to pass into or through the aforesaid rivers; provided also that it shall not be lawful for any boat or raft carrying or floating more than six timbers to enter the aforesaid rivers, between the 1st of December and the 1st of July.

*Third.* For every timber which shall be floated, or carried into, or through the aforesaid rivers, in violation of any of the rules or restrictions herein appointed, the owner thereof shall forfeit to the Government the sum of ten rupees each timber, besides being subjected to the payment of the prescribed toll on the same; and it shall and may be lawful for the collector to detain and distrain such a number of boats, timbers, rafts, bamboos, floats, and the like, or such a portion of their freight until the sum due, whether on account of toll or penalty, or both, shall have been liquidated, as he (the collector) shall or may judge sufficient to defray the amount of tolls or penalties demandable; and further the collector shall require the person in charge of the said boats, timbers, rafts, bamboos, and floats, and the like, to make arrangements for the transit of the same in conformity with the rules and the restrictions contained in this regulation, and shall detain them for that purpose, until those arrangements will have been made.

*Fourth.* Whenever any boats, timbers, rafts, bamboos, and floats, and the like, are detained for any of the reasons above stated, the collector shall without delay make a full report of the circumstance to the Board of Revenue, and shall immediately publish a proclamation, appointing a day for the sale of the articles liable to sale; not being less than fifteen days, from the date on which the proclamation may be promulgated; but no sale shall be held until the authority and sanction of the Board of Revenue for the same shall have been previously obtained, and if it be in any case necessary to postpone the day of sale, the collector is authorized to do so, provided that not less than fifteen days notice of the time appointed shall invariably be given.

**VII.** If any person shall attempt to pass free of toll any boat, raft, timber, bamboo, float, or the like, after having been boarded by the collector's toll or *chokee* boat, such boat, timber, raft, bamboo, float, and the like, shall be liable to detention, until a penalty of ten times

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times the amount of the toll leviable shall have been paid or shall have been levied by the summary process provided for in the preceding clause.

**VIII. First.** An officer having been appointed by Government under the designation of supervisor, to superintend the operations and works necessary to be undertaken and executed for the prevention and removal of all obstructions, by which the free and safe navigation of the rivers specified in the preamble of this regulation are or may be impeded, the following rules are enacted for the purpose of defining the duties and powers of the said supervisor, and the same rules shall apply to any other officer or officers who may be appointed to perform similar duties on any of the said rivers, or on any other navigable rivers, or streams, within the provinces subordinate to this presidency. Provided also that it shall be competent to the Governor General in Council, by an order in council to vest the supervision of the said rivers, or such portion of them as may seem fit, in any of the collectors hereinbefore mentioned, or in any other officer, whom he may judge it expedient to appoint.

Rules for defining the duties and powers to be exercised by the supervisor of rivers.

Proviso for investing collectors with similar powers.

**Second.** The supervisor shall ordinarily act under the orders and directions of the Board of Revenue for the lower provinces, but it shall be competent to the Governor General in Council, by an order in council, to vest the control over him in any other Board, committee, officer or officers, as may from time to time appear to be expedient.

Supervisor to act under orders from the Board of Revenue for the lower provinces, unless otherwise directed by Government.

**Third.** The supervisor shall be competent, under provisions, hereafter detailed, to cut down and remove any tree or trees, which may have fallen or be likely to fall into the said rivers, to remove sunken boats, or rafts of timber or of bamboos, and other nuisances, or obstructions to navigation of whatever denomination, together with all *bandels* or other contrivances for fishing, which may tend to obstruct or hinder the navigation of the same, whenever he shall be fully satisfied, after due local inquiry, that the continuance of such tree or trees, sunken boats, or rafts of timber, or bamboos, or *bandels*, or the like are or are likely to be seriously prejudicial to the free and safe navigation of the aforesaid rivers.

And empowered to cut down and remove trees, sunken boats, rafts of timber, and other obstructions to the navigation of the rivers.

**Fourth.** All trees, or other things, which shall have fallen, or may hereafter fall into any of the rivers or streams, mentioned in the preamble of this regulation, or into any other navigable river, or stream, so as to endanger or materially impede the navigation thereof, shall be removed as soon as possible by the supervisor or other officer empowered by Government in that behalf: and the supervisor, or other officer aforesaid, is hereby authorized to hew, split, demolish, destroy, or otherwise dispose of all such trees, or other things in such manner as the Board of Revenue, or other controlling authority may direct.

How such trees, &c. are to be disposed of.

**Fifth.** In all other cases where it may appear to be necessary to remove any tree, or other obstruction of the nature specified in the second clause of this section, excepting as hereinafter excepted, it shall be the duty of the supervisor or other officer aforesaid, in the first instance, to endeavour to ascertain the owner of the tree, or other thing, which he may propose to remove as aforesaid; and to cause notice to be served on him, requiring the removal of the same within a reasonable period to be specified in the notice. If the owner aforesaid shall be absent or unknown, a notification to the above effect shall be stuck in some conspicuous place in the nearest village.

Cases in which before the removal of trees, &c. the supervisor is to serve the proprietor with a notice, or to require the removal by a notification.

**Sixth.** If, after notice has been given as aforesaid, the owner of the tree, or other thing required to be removed shall not remove the same, within the period fixed by the supervisor, it shall be competent to that officer to cause its removal at the public expense, or in cases in which such an arrangement shall appear advisable, to dispose of it by public sale, subject to the condition of its being removed, and with such further stipulations as may be deemed proper.

Owners neglecting to remove trees, &c. after the due notice given, the same to be removed and disposed of by the supervisor.

**Seventh.** In cases of emergency, wherein it may appear to the supervisor or other officer aforesaid, that any delay in removing the tree, or other thing to be removed, would be attended with serious risk or inconvenience, it shall be competent to him to cause the same to be forthwith removed without any previous notice as above directed.—Provided, however, that in such cases if the thing to be removed be other than a tree actually fallen into the stream, the supervisor or other officer aforesaid, shall as soon as possible, cause intimation to be given to the owner, or (he being absent or unknown) a notification to be stuck up in the nearest village; and he shall, at the same time, make an immediate and full report of the case to the Board of Revenue, or other controlling authority.

Supervisor may remove trees, &c. in cases of emergency without giving previous notice.

Proviso as to the mode of proceeding in such occasions.

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Provision under which buildings, trees, &c. contiguous to rivers may be purchased on account of Government.

The proceeds of boats, trees, &c. sold under clause 4, Section 8, to be paid to the owner.

Or the owner may receive such boats, trees, &c. on paying salvage to the supervisor within such period as the Board of Revenue may fix.

Proviso empowering the supervisor to sell the property, in case reimbursement be not made.

All *bandels*, or contrivances for fishing tending to obstruct the free navigation of rivers prohibited.

Supervisor how to proceed on the removal of, or prohibiting the fixing of *bandels*, &c.

Punishment in case of opposition to the supervisor's orders.

Further punishment in cases where offenders have committed violence or have been guilty of breaking the peace.

Punishment to which persons are declared liable for opposing or resisting the collector or supervisor, or preventing them or any of their officers from fulfilling the duties assigned to them.

Collector or supervisor how to proceed, in cases when forcible resistance is apprehended.

**Eighth.** Provided further, that whenever it may appear necessary for the safety and convenience of the community, that any buildings, trees, or other property on, or in the vicinity of a navigable river, or stream, though not likely to fall into the stream, should be removed or appropriated to the public use, it shall be competent to the Governor General in Council to direct the same to be taken and purchased on account of Government, under the rules contained in Regulation I. 1824.

**IX. First.** Whenever any tree, boat, timber, or other thing obstructing or likely to obstruct the navigation of any of the rivers, or streams, specified in the preamble of this regulation, or of any other navigable river, or stream, may be sold subject to the condition of its being removed, under the provision contained in clause 4, Section 8. of this regulation, the net produce of the same shall be paid to the owner.

**Second.** When any of the things aforesaid shall be removed, or recovered by, or under the orders of the supervisor, or other officer duly empowered in that behalf, under the provisions of the said clause and section, then if the owner shall pay to the supervisor, or officer aforesaid, within a period to be fixed by the Board of Revenue, or other controlling authority, the expense incurred in the removal, or recovery thereof, with such a charge for salvage as the Board or other authority aforesaid may adjudge, the same shall be given up to the owner or his authorized agent. Provided also, that whenever, after due notice for such a period as the Board of Revenue may have directed, no person shall, within the period appointed, tender reimbursement of the charge incurred in the recovery of property rescued, together with the amount of salvage which the Board of Revenue may adjudge; the supervisor shall be authorized to sell such property at public sale, and to defray out of the proceeds the expense incurred in the recovery of the same, with the salvage adjudged as aforesaid: the surplus to be deposited for the benefit of the owner in such treasury as the Board of Revenue may direct.

**X.** No *bandels*, or contrivances for fishing, or for any other purposes, which may tend to obstruct the free navigation of the rivers and streams referred to in this regulation, or other navigable rivers and streams, for the supervision of which the Governor General in Council may deem it necessary to provide, shall be allowed or permitted. Whenever the supervisor, with the approval of the Board of Revenue, or other controlling authority, shall have removed any *bandel* or other contrivance for fishing, which may have been fixed, or sunk at any place in the said rivers, to the obstruction of navigation, or shall have prohibited the fixing, or sinking of any obstruction, within any specified limits, then, if any person shall replace the *bandels*, or other contrivances removed as aforesaid, or shall sink, or fix any such in opposition to the prohibition of the supervisor, the *bandels* or other contrivances for fishing so replaced, or fixed, or sunk, shall be destroyed, and the party offending shall be liable to such punishment, not exceeding a fine of fifty rupees, or, in default of payment, imprisonment without irons in the debtor's jail for one month, as the magistrate of the district may judge adequate to the offence; provided however that if the offender shall have used violence, or been guilty of any breach of the peace, he shall on conviction, besides any further punishment to which he may be subject, under the general laws and regulations, be liable to imprisonment in the criminal jail, with hard labour for a period not exceeding three months, and shall be required, at the discretion of the magistrate, to furnish adequate security for keeping the peace.

**XI. First.** Any person who may by force or threats prevent the collector, supervisor, or any of his or their officers from fulfilling the duties assigned to them by this regulation, or who may forcibly resist them in the execution of those duties, or who may advise or encourage such resistance, shall be liable, on conviction before the *fouzdarry* court of the district or city, to the penalties prescribed, for the offence of resisting the process of a magistrate. Parties so offending shall further be liable, in the event of an affray or other breach of the peace occurring in consequence of their resistance, to be punished under the general rules applicable to such cases.

**Second.** If the collector, supervisor, or other officer aforesaid shall in any case have reason to apprehend forcible resistance, he shall apply to the nearest *darogah* to aid him in the execution of his duty, and all *darogahs*, or other officers in charge of *thanas* or *chokees*, shall



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shall on such requisition being made or its appearing to be otherwise necessary, immediately afford the requisite assistance, under pain of dismissal from office, and such fine, not exceeding two hundred rupees, as the magistrate may adjudge, commutable if not paid to imprisonment in the *dewanny* jail, for a period not exceeding three months. Provided also, that if any *zemindar*, *talookdar*, or other proprietor, farmer of land, or the *naisb*, *gomashu*, or other local agent, if such proprietor or farmer, shall wilfully permit any one to resist the collector, supervisor, or other officers aforesaid, within the village or lands occupied or managed by him, such *zemindar* or other person aforesaid shall be liable, on conviction before the magistrate, to a fine not exceeding two hundred rupees, commutable as aforesaid.

XII. The collector, supervisor, and their native officers, duly authorized by him, shall be authorized to arrest and deliver over to the nearest police *darogah*, or other police officer authorized to receive criminal complaints, any person or persons guilty of any of the offences stated in the two preceding sections of this regulation, for the purpose of their being forwarded to the magistrate; and all police officers aforesaid are hereby required, subject to the provisions hereinafter specified, to receive and safely to forward to the magistrate of the jurisdiction, within 24 hours, all offenders so delivered over. Provided always, that the supervisor or his officers shall give, at the same time, a written requisition to that effect, duly attested and dated, specifying the name of the offender, the nature of the offence, and engaging that a full report shall be transmitted to the magistrate, and that all other necessary measures for the conduct of the prosecution shall be taken within ten days, from the date on which the offender or offenders shall have been apprehended. Provided also, that in such cases, if the party accused shall tender sufficient bail for appearance before the magistrate, and shall not have been guilty of any offence which by the general regulations is not bailable, the *darogah*, or other officer aforesaid, shall accept the bail and release the party.

XIII. No person shall be detained in custody by a magistrate under the provisions of Section 12. of this regulation, beyond the period of ten days, if during that period, the supervisor shall not have preferred his complaint, and pursued the necessary measures for the furtherance of the prosecution in the prescribed manner.

XIV. Any individual who may consider himself aggrieved, or injured by any order of the Board, or by any act of the supervisor, or by his people, in the execution of their public duty under the authority vested in them by this regulation, shall be at liberty to institute a suit against one, or either, or all of them in the *dewanny adawlut* of the city, or district, in which the imputed injury shall have occurred, and in all such cases the judge of the city, or district, shall forward such petition or plaint to the Board of Revenue, or other controlling authority, who, together with the *xillah* and city judges, are hereby required in the conduct of such cases to conform to the rules and provisions contained in Regulation II. of 1814. Provided, however, that, if the supervisor or other officer shall not have exceeded the power and license vested in him by this regulation, no suit or plea shall be entertained by any of the courts of justice, on the ground that the removal of any tree, boat, timber, raft, bamboo, float, or other thing of the description specified in clause second, Section 8. of this regulation, was not necessary for the furtherance of the free navigation of the rivers herein mentioned, save and except in cases wherein valuable trees may have been cut down; and it shall be proved after sufficient experience, that there was not any reasonable probability that the land on which they grew would be carried into the river, within the period of one year from the date of their being cut. Provided also, that, if in any case the collector, supervisor, or other officer aforesaid, shall have tendered to the plaintiff an adequate indemnification, the sum so tendered shall be received by the court for the plaintiff, who shall be nonsuited with costs.

XV. The supervisor shall be entitled to direct the *vakeel* of the Government to conduct all criminal prosecutions instituted by him, under the provisions of this regulation, and to defend all civil actions authorized to be defended by the Board of Revenue or other controlling authority, and the collectors of revenue are hereby authorized to supply the *vakeel* of Government on application from the supervisor with the stamp paper, which may be required for the purposes aforesaid.

Proviso as to the punishment to which proprietors and farmer, of land are liable for conniving at resistance to the collector, &c.

Collector or supervisor &c. empowered to seize and deliver over to the police officers all offenders described in the two preceding sections.

Supervisor, &c. to give a written statement descriptive of the offence and the offender, and to engage to furnish the magistrate with a full report on the case.

Proviso for admitting the accused to bail, if the offence charged be of a bailable nature.

Magistrates not to detain persons in custody beyond ten days, if the supervisor has not previously followed up his complaint in the prescribed manner.

Persons conceiving themselves aggrieved by any order of the Board, or by any act of the supervisor, &c. allowed the option of instituting a suit in the *dewanny adawlut* against one or all of the authorities. Judge how to proceed in such cases. Proviso against the receipt of suits where the supervisor, &c. may not have exceeded his authority. Further proviso in cases where valuable trees are cut down without reasonable cause. Plaintiff nonsuited with costs, if it be proved that the collector or supervisor has tendered adequate indemnification.

The supervisor authorized to employ the *vakeel* of Government in the conduct of all criminal prosecutions and civil actions instituted under the provisions of this regulation.

Stamp paper in such cases to be supplied on the supervisor's application.



## SCHEDULE.

No. 1.

Schedule of Tolls chargeable on all Boats, Timbers, Bamboos, Rafts, and Floats, and the like, passing into or through the rivers and streams, specified in the preceding regulation.

1st.	Pinnaces of ten oars, and under that number, .....	5 Rupees each.
	Ditto Ditto, exceeding ten oars, .....	8 Ditto ditto.
2d.	Budgerows of ten oars, and under that number, .....	3 Ditto ditto.
	Ditto Ditto, exceeding ten oars, .....	6 Ditto ditto.
3d.	Bauleahs, Cutters, and Boats for personal accommodation, not being of the description above specifically defined, and Pulwars, Paunsways, and Baggage Boats, .....	4 Annas per Oar.
4th.	Empty Boats, and Boats laden with bricks, tiles, or other earthen substance baked, or otherwise, .....	2 Annas per 100 Maunds Tonnage.
5th.	Boats laden with Quick-lime, (Chunam) Straw, Fire-wood, Gran-sticks, thatching Grass, or such like, .....	8 Annas per 100 Maunds Tonnage.
6th.	Boats laden with Grain, Pulse, Seed, or Vegetables, of whatever description, and Indigo Seed, .....	12 Annas per 100 Maunds Tonnage.
7th.	Boats of burthen, freighted with Timbers and Bamboos, or with any article, not included in the above enumeration, .....	One Rupee per 100 Maunds Tonnage.
8th.	Timbers, whether <i>chowkars</i> , or <i>dhokars</i> , if floated on rafts, or otherwise, not being on Boats, .....	8 Annas each Timber.
	Unwrought Timbers, called <i>ghole</i> , if floated as above, .....	5 Annas each Timber.
	Rafts floating 200 Bamboos, or less, .....	8 Annas.
	Ditto ditto, more than 200, but not more than 400, .....	12 Annas.
	Ditto ditto, more than 400, but not more than 1,000, .....	5 Rupees.
	Ditto ditto, more than 1,000, .....	10 Rupees.

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**SCHEDULE.**

No. 2.

**Table for Adjustment of Tonnage and Rates of Tolls.**

Tonnage or measurement of the Boat in Maunds not exceeding.	No. of Maunds upon which the Toll is leviable.	TOLLS											
		At one Rupee per 100 Maunds.				At Twelve Annas per 100 Maunds.				At Eight Annas per 100 Maunds.			
		Sa.	Rs.	A.	P.	Sa.	Rs.	A.	P.	Sa.	Rs.	A.	P.
50.	25.	0	4	0		0	3	0		0	2	0	
75.	50.	0	8	0		0	6	0		0	4	0	
100.	75.	0	12	0		0	9	0		0	6	0	
125.	100.	1	0	0		0	12	0		0	8	0	
150.	125.	1	4	0		0	15	0		0	10	0	
175.	150.	1	8	0		1	2	0		0	12	0	
200.	175.	1	12	0		1	5	0		0	14	0	
225.	200.	2	0	0		1	8	0		1	0	0	
250.	225.	2	4	0		1	11	0		1	2	0	
275.	250.	2	8	0		1	14	0		1	4	0	
300.	275.	2	12	0		2	1	0		1	6	0	
325.	300.	3	0	0		2	4	0		1	8	0	
350.	325.	3	4	0		2	7	0		1	10	0	
375.	350.	3	8	0		2	10	0		1	12	0	
400.	375.	3	12	0		2	13	0		1	14	0	
425.	400.	4	0	0		3	0	0		2	0	0	
450.	425.	4	4	0		3	3	0		2	2	0	
475.	450.	4	8	0		3	6	0		2	4	0	
500.	475.	4	12	0		3	9	0		2	6	0	
550.	500.	5	0	0		3	12	0		2	8	0	
600.	550.	5	8	0		4	2	0		2	12	0	
650.	600.	6	0	0		4	8	0		3	0	0	
700.	650.	6	8	0		4	14	0		3	4	0	
750.	700.	7	0	0		5	4	0		3	8	0	
800.	750.	7	8	0		5	10	0		3	12	0	
850.	800.	8	0	0		6	0	0		4	0	0	
900.	850.	8	8	0		6	6	0		4	4	0	
950.	900.	9	0	0		6	12	0		4	8	0	
1,000.	950.	9	8	0		7	2	0		4	12	0	
1,100.	1,000.	10	0	0		7	8	0		5	0	0	
1,200.	1,100.	11	0	0		8	4	0		5	8	0	
1,300.	1,200.	12	0	0		9	0	0		6	0	0	
1,400.	1,300.	13	0	0		9	12	0		6	8	0	
1,500.	1,400.	14	0	0		10	8	0		7	0	0	
1,600.	1,500.	15	0	0		11	4	0		7	8	0	
1,700.	1,600.	16	0	0		12	0	0		8	0	0	
1,800.	1,700.	17	0	0		12	12	0		8	8	0	
1,900.	1,800.	18	0	0		13	8	0		9	0	0	
2,000.	1,900.	19	0	0		14	4	0		9	8	0	



# A. D. 1824. REGULATION IX.

A REGULATION to extend, with certain Exceptions and Conditions, the existing Settlement in the conquered Provinces and in Bundelcund, for a further Period of five Years.—PASSED by the Governor General in Council, on the 1st July 1824; corresponding with the 19th Assaar 1231 Bengal era; the 20th Assaar 1231 Fussily; the 20th Assaar 1231 Willaity; the 5th Assaar 1881 Sumbut; and the 3d Zekuad 1239 Higeree.

WHEREAS the existing settlement in the conquered provinces and in Bundelcund will expire with the ensuing Fussily year 1232; and whereas, with certain exceptions, it appears to be expedient to extend the said settlement for a further term, in cases in which the settlement has been formed with *zemindars* or other persons recorded as proprietors or possessors of a permanent interest in the *mohaul* for which they have engaged, or as the representatives of such persons; and whereas it appears also to be desirable to provide for the continuance of the engagements of *zemindars* and other persons as aforesaid, subsequently to the expiration of the period, specifically fixed for the same, until a careful revision of the settlement can be completed; and whereas it is desirable to make further provision for securing the improvement of the country; the following rules have been enacted, to be in force throughout the British territories immediately subject to the government of the presidency of Fort William, from the date of their promulgation.

II. *First.* The existing settlement in the conquered provinces and in Bundelcund, (with the exceptions and subject to the provisions hereinafter stated) shall be extended to a further period of five years, viz. for the years 1233 to 1237 Fussily inclusive, in cases in which it may have been concluded with *zemindars*, *lumberdars*, or other persons recorded as the proprietors or possessors of a permanent interest in the *mohaul* for which they may have engaged, or as the representatives of such persons.

*Second.* If any *zemindars* and other persons aforesaid shall be unwilling to continue their engagements for a further period of five years on the terms specified in this regulation, they shall notify the same to the collector, or other officer exercising the powers of the collector, to whom they may be subject, on or before the 15th October next. And all *zemindars* and other persons aforesaid who shall not make a notification to the effect and within the period abovementioned, shall be held and are hereby declared to be responsible for the payment of the same revenue for each of the five years subsequent to the settlement now in force, viz. for the years 1233 to 1237 inclusive, as may be specified in their engagements for the year 1232 Fussily, and in such cases no alteration shall be made in the *jumma* demandable by Government on account of the *mohauls* held by such persons (excepting as hereinafter excepted) until the expiration of the said period of five years.

*Third.* It shall be competent to collectors and other officers exercising the powers of collectors, subject to the orders of the Board of Revenue, to which they may be subordinate, to exclude from the operation of the above rule, any *mohaul* or *mohauls*, of which a revised settlement may have been made or be about to be made under the rules of Regulation VII. 1822, or in regard to which there may, in the judgment of these authorities, exist any special reasons for effecting an early re-settlement of the same; and in the case of *mohauls* of the last description, it shall be competent to the collectors, or other officers aforesaid, to make an immediate re-settlement of the same on the expiration of the existing leases, or to grant to the persons under engagements renewed leases for such further term (not exceeding five years) as the Board may direct. Provided however, that in all cases, in which it may be de-

Preamble.

The existing settlement in the conquered provinces and in Bundelcund extended in certain cases for a further period of five years.

*Zemindars* declining to continue their engagements for such period, to notify the same to the revenue authorities on or before the 15th of October next.

Or failing to do so, declared responsible for the payment of the present *jumma* during the ensuing five years.

The *jumma* in such cases to remain unaltered.

Collectors empowered to exclude certain *mohauls* from the operation of the above rule, should any special reasons exist.

And declared competent to form a re-settlement of such *mohauls*, or renew the leases of them for a further period.

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Proviso as to notice to be given of such determination by collectors.

The above rules not to affect engagements already entered into.

*Zemindars*, &c. whose engagements may be continued, allowed after the expiration of such leases to hold their lands at the same annual *jumma* until the formation of a revised settlement.

Proviso against the payment of a higher *jumma* by *zemindars*, unless timely apprized.

Such persons declared not liable to be ousted from the management of their lands without notice given, except by due course of law.

Estates at present let in farm to be re-settled on the expiration of the existing leases, and *zemindars* possessing a permanent property in the *mohauls* to have a preference.

Proviso limiting such leases to twelve years.

The above rules declared applicable to estates held *khas*. Rule of proceeding in cases where *zemindars*, &c. may refuse to maintain their engagements.

Proviso for the exclusion of persons who may have wilfully deteriorated their lands, &c.

In such cases, and in others where special circumstances require it, leases may be granted for fifteen years.

Rules contained in the third and following sections of Regulation VII. 1822, with the foregoing modifications, declared equally applicable to the conquered provinces and to Bundelcund.

Proviso limiting in certain cases the application of part of clause 3d, Section 9. of that regulation.

terminated to adopt special measures as above, in regard to any *mohaul* or *mohauls*, the collector or other officer aforesaid shall give notice of such determination in writing to the person under engagements for the same on or before the 1st March 1825. A *perwannah* delivered to, or left at the usual residence of the *malguzar*, or a notification stuck up, under orders of the collector, in any conspicuous place within the *mohaul*, shall be held to be sufficient notice for the above purpose.

*Fourth.* The above rules shall not be held to affect the terms of any engagements which may have been specifically entered into on account of any year or years subsequent to the general settlement now in force.

*Fifth.* *Zemindars* and other persons as aforesaid, whose engagements shall be continued for a further period of five years, as above provided, as well as all other persons who may hereafter enter into engagements as proprietors, or as the representatives of proprietors, shall, after the expiration of the leases so extended or granted, hold the *mohauls* for which they may have engaged or may hereafter engage, and shall continue to be subject to the payment of the same annual *jumma* as may be chargeable on account of the last year of their lease, until the collector, or other officer exercising the powers of collector, shall effect a detailed revision of the settlement in the mode prescribed by Regulation VII. 1822, or shall be otherwise specially authorized by Government to make a fresh assessment. Provided also, that no *zemindar* or other *malguzar*, as aforesaid, shall be liable to pay on account of any year a higher *jumma* than that payable under the above rule, unless he shall have been apprized of the Board's approval of the new assessment on or before the month of Jeth preceding: nor shall any such *zemindar*, or other *malguzar*, be ousted from the management of any *mohaul* for which he may be under engagements, without such notice, except by due course of law, on a decision in favour of the title of another party claiming the property of the same.

III. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases, for such a period as the Governor General in Council may direct: a preference shall be given to the *zemindars*, or other persons possessing a permanent property in the *mohauls*, if willing to engage for the payment of the public revenue on reasonable terms. Provided also, that in cases wherein such *mohauls* may be let in farm, the term of the lease granted to the farmers shall not, excepting as hereinafter excepted, exceed twelve years. The above rules shall likewise be applicable to estates now held *khas*; so in any case wherein the *zemindars* and other proprietors may refuse to continue their existing engagements on equitable terms, it shall be competent to the revenue authorities to let the lands in farm for such period (with the restriction herein specified) as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under *khas* management during the period aforesaid, or such shorter period as may be judged proper. Provided also, that in cases wherein it shall appear that the *zemindars* have wilfully reduced the cultivation of their lands, or otherwise deteriorated the *mohaul* under their engagements in their occupancy, it shall be competent to the revenue authorities to exclude persons so offending, and to let the lands in farm for a period of fifteen years: leases for a like period may also be granted to *zemindars* and farmers in cases where from special local circumstances, the measure may appear necessary with a view to the reclaiming of waste, the construction of works requisite for the extension of cultivation, or otherwise for the improvement of the country.

IV. The rules contained in the third and following sections of Regulation VII. 1822, with the modifications above provided for, and the necessary alteration of dates and periods are, and shall be held to be equally applicable to the conquered provinces and Bundelcund as to the ceded provinces; provided also that such part of clause third, Section 9. of that regulation as prescribes that engagements taken in the manner specified in that clause shall be restricted to the term of five years, shall not be held applicable to leases granted to farmers in the cases specified in the foregoing section, and that it shall be competent to the Board of Revenue, with the sanction of Government, to grant leases, either to proprietors or farmers, for any period not exceeding fifteen years, whenever special circumstances shall, in their judgment, render it expedient to do so, as well in the ceded as in the conquered provinces.

## A. D. 1824. REGULATION X.



A REGULATION for modifying and amending the Rules at Present in Force, in Regard to the Pardon of Persons charged with or suspected of criminal Offences.—  
PASSED by the Governor General in Council, on the 8th July 1824; corresponding with the 26th Assuar 1231 Bengalera; the 27th Assuar 1231 Fussily; the 27th Assuar 1231 Willaity; the 12th Assuar 1881 Sumbut; and the 10th Zekaad 1239 Higeree.

**W**HEREAS there appears reason to believe that the administration of criminal justice will be improved by extending the powers of the magistrates, joint magistrates, and superintendents of police, in regard to the offer of conditional pardons to accomplices or accessaries with the view of discovering the principal offenders; of prosecuting criminals, to conviction, and of recovering stolen property; the following rules have been enacted, to be in force from the date of their promulgation throughout the provinces subject to the presidency of Fort William.

Preamble.

II. Section 5, Regulation XIV. 1810, and Section 9, Regulation I. 1811, are hereby rescinded.

Rules rescinded.

III. *First.* In cases of murder, gang robbery, highway robbery, murder by *thugs*, coining, and forgery, as well as in cases of burglary and theft, attended with circumstances of aggravation, the *sillah* and city magistrates and joint magistrates are hereby empowered, without previous reference to any other authority, to tender a pardon to one or more persons, (not being principals,) supposed to have been directly or indirectly concerned in or privy to the offence, on condition of their making a full, true and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery, burglary, and theft) the mode in which the stolen property may have been disposed of.

Magistrates and joint magistrates empowered to tender a pardon to accomplices in certain crimes.

*Second.* Persons to whom pardons may be tendered under the provisions contained in the preceding clause, shall be examined without oath.

Such persons to be examined without oath.

*Third.* In any case in which a magistrate or joint magistrate may exercise the powers vested in him by the provisions of this section, it shall be incumbent on such magistrate or joint magistrate to record on his proceedings, either in the English or Persian language, the considerations which may have induced him to deem such course of procedure advisable, and a copy of the proceedings shall be immediately transmitted by him to the superintendent of police for the information of that officer.

Motives for tendering pardon to be recorded, and a copy of the proceedings to be sent to the superintendent of police.

*Fourth.* If the magistrate or joint magistrate should consider it desirable, that a pardon should be tendered to any accomplice or accessory in a crime of the description specified in the preceding section, with a view to obtain the evidence of such accomplice or accessory in the trial of the other offender or offenders, the magistrate or joint magistrate shall apply to the superintendent of police for his sanction to the measure.

When the tender of such pardon may be desirable with a view to obtain the evidence of an accomplice, the previous sanction of the superintendent of police necessary.

*Fifth.* In such cases the individual in question shall in the first instance be examined by the magistrate or joint magistrate without putting him on his oath, and a copy of the examination

Copy of the examination without oath of the

## A. D. 1824. REGULATION X.

accomplice to be transmitted to the superintendent of police.

Caution to be observed on such occasions by magistrates, joint magistrates, and superintendents of police.

The offer of a pardon not to be sanctioned in certain cases.

Improper exercise of the power conferred on magistrates and joint magistrates to be reported by the superintendents of police.

Judge of circuit or Nizamut Adawlut competent to direct the commitment of a person to whom pardon may have been tendered, if he shall not fulfil the conditions of the tender.

Or to direct the magistrate or joint magistrate to tender a pardon when they may judge it necessary.

Nizamut Adawlut may revise proceedings, and annul the orders of magistrates, joint magistrates, and superintendents of police, when a pardon may have been improperly tendered.

Assistants to magistrates not to exercise the powers conferred on magistrates and joint magistrates under this regulation.

examination and of the proceedings holden in the case shall be transmitted to the superintendent of police, who after considering the proceedings of the magistrate or joint magistrate, will determine on the propriety of complying with the application.

*IV. First.* The superintendents of police, and the magistrates and joint magistrates, will be cautious not to tender pardons to principal offenders, and in no case to make the offer to accomplices or accessaries without a reasonable prospect of recovering the property plundered through the means of the person or persons to whom a conditional tender of pardon may be made, or of thereby securing the apprehension and conviction of the principal offenders by whom the crime may have been perpetrated, or of the receivers of the stolen property.

*Second.* In cases in which there may appear no prospect of obtaining other evidence than the deposition of an accomplice or accessary, the superintendent of police will refuse his sanction to the offer of a pardon.

*Third.* It shall be the duty of the superintendents of police to bring to the notice of the court of Nizamut Adawlut, all instances that may come to their knowledge of the injudicious or improper exercise of the powers vested in the magistrates and joint magistrates by this regulation.

*V. First.* It shall be competent to a judge of circuit at the time of holding the sessions, or to the Nizamut Adawlut, if the final sentence should be passed by the latter court, to direct the commitment of any person to whom a pardon may have been offered under the provisions of this regulation, should it appear on evidence that such person has not conformed to the condition under which the pardon was tendered, either by wilfully concealing any thing essential, or by giving false evidence or information with a view to the conviction of an innocent person or persons.

*Second.* In like manner it shall be competent to a judge of circuit or to the court of Nizamut Adawlut, at the time of trial, to instruct the magistrate or joint magistrate to tender a pardon to any accomplice, or accessary, with the view of obtaining his evidence on oath as a witness on the trial.

*Third.* It shall be competent to the court of Nizamut Adawlut to revise the proceedings of the magistrates and joint magistrates and superintendents of police in any case in which a pardon may have been tendered to an accomplice or accessary, and to annul the orders passed on such proceedings, should it appear to the superior court that a pardon has been granted on insufficient grounds.

*VI.* The powers granted by this regulation to magistrates and joint magistrates are hereby declared not to extend to the assistants to the magistrates.

## A. D. 1824. REGULATION XI.



A REGULATION for empowering the Zillah and City Judges and Magistrates to depute their Registers or Assistants, for the purpose of making local Investigations in certain Cases.—PASSED by the Governor General in Council, on the 15th July 1824; corresponding with the 1st Sawun 1231 Bengul era; the 4th Sawun 1231 Fussily; the 2d Sawun 1231 Willaity; the 4th Sawun 1881 Sumbut; and the 17th Zekand 1239 Higeree.

**BY** the second clause of Section 10, Regulation II. 1821, the judges and registers of the *zillah* and city courts are empowered to hold their proceedings in summary suits regarding rent, or dispossession from land or crops, at any place within the jurisdiction of the courts to which they may be respectively attached. But no general power has been vested in the *zillah* and city judges and magistrates, to depute their registers, or assistants, for the purpose of making local investigations when such deputations may appear expedient; nor do the existing regulations contain any provision for the payment of the expense incurred in such deputations whether by the parties or by Government. The following rules have therefore been enacted to provide for such cases; to be in force as soon as promulgated throughout the territories subject to the presidency of Fort William.

II. Whenever it may appear advisable to a *zillah* or city judge or magistrate, to depute his register, assistant, or any European officer acting under his authority, being a covenanted servant of the Company, to make a local investigation within the limits of his jurisdiction, for the purpose of speedily and satisfactorily determining a boundary dispute, or contested right of possession, or for the prompt and impartial adjustment of any matter connected with a depending civil suit, or subject of inquiry in the *fonjdaree* court, which, from the circumstances of the case, may appear to require the deputation of a European officer, instead of a native *amcen*, or the employment of the local *moonsiff* or police officer, it shall be competent to the *zillah* or city judge or magistrate to order such deputation, and to furnish the officer so deputed with such instructions as may appear necessary for his guidance in making the local investigation committed to him. Provided that such instructions be not in any respect inconsistent with the general regulations in force.

III. Whenever the deputation of a European officer, as authorized by the preceding section, may be ordered at the request of a party in a civil suit, or for the purpose of inquiring into any local question of private right between two or more individuals, relative to a case depending in the *dewanny* or *fonjdaree* court, it shall be at the discretion of the judge or magistrate, by whom the deputation may be ordered, or who may determine the case to which it relates, to declare the whole or any part of the usual deputation allowance receivable by the officer so deputed, as well as every other authorized and necessary expense attending the local inquiry, to be payable by the party against whom the case may be adjudged; or proportionally by each of the parties, if this appear just on due consideration of all the circumstances of the case. Provided that if in any instance, the judge or magistrate shall be of opinion, that it would not be proper from indigence or other cause to render the parties, or either of them, answerable for the whole or any part of the deputation

Preamble.

Judges and magistrates empowered to depute their registers or assistants to conduct investigations within their respective jurisdictions regarding boundary disputes, &c.

And to furnish them with suitable instructions.

Judges and magistrates may determine what proportion of the deputation charges shall be paid by the respective parties.



## A. D. 1824. REGULATION XI.

deputation allowance receivable by the European officer deputed, he shall be authorized to discharge the same (subject to the usual audit) on the part of Government.

All deputations to be reported to the secretary to Government in the judicial department.

IV. All deputations of a register, assistant, or other European officer, which may be ordered by any judge or magistrate under this regulation, shall be immediately reported, with a statement of the circumstances of the case, to the secretary to Government in the judicial department, to whom also the return of the officer so deputed shall be reported immediately on his return to his station.

Similar reports, together with the judge or magistrate's proceedings, to be communicated to the provincial court of the division.

Who may revoke the deputation, if it shall be deemed an unnecessary or inexpedient measure.

In such cases the court's proceedings to be transmitted to the Sudder Dewanny or Nizamut Adawlut for final orders.

Judges and magistrates to depute their registers only in cases of urgency.

The parties concerned or their authorized agent and not the established pleaders of the register's court, to attend the register in making local investigations.

V. A report of the deputation of any European officer under the provisions of this regulation, shall also, in every instance, be made without delay to the provincial court of appeal or circuit for the division (according to the department in which the deputation may have been ordered), together with a copy of the proceedings of the judge or magistrate, directing the deputation; and if in any instance the reasons stated for the deputation shall not appear sufficient, and the provincial court (after calling for any further information that may be required) shall deem the deputation unnecessary, or inexpedient, it shall be competent to the provincial court of appeal or circuit to revoke the same; transmitting at the same time a copy of the orders issued by them, with the proceedings and papers connected therewith, for the information of the court of Sudder Dewanny, or Nizamut Adawlut, (according to the department in which the proceedings may have been held,) who will issue such final orders in the case as they may deem just and proper.

VI. The judges of the *zillah* and city courts are enjoined to observe the greatest caution in deputing their registers, under the discretion vested in them by this regulation, with a view to obviate the public inconvenience that must arise from any continued absence of the register from his proper court. Such deputations should not therefore be made, except in cases of urgency, and for a short period, nor shall the established pleaders of the register's court be required to attend the local investigation committed to him on such occasions, but the parties shall be at liberty to attend the same in person, or by any authorized agent whom they may duly appoint to be present in their behalf.

## A. D. 1824. REGULATION XII.

A REGULATION for reviving the Penalty formerly imposed on wilful Revenue Defaulters.—PASSED by the Governor General in Council, on the 22d July 1824; corresponding with the 8th Sawun 1231 Bengal era; the 11th Sawun 1231 Fussyly; the 9th Sawun 1231 Willaity; the 11th Sawun 1881 Sumbut; and the 24th Zakaad 1239 Higeree.

**W**HEREAS many of the *zemindars* of Bengal, Behar, and Benares, notwithstanding the advantages derived by them from the permanent assessment of their estates, wilfully neglect to pay their revenue according to their engagements, and causelessly withhold the public dues until their estates are put up to sale; and whereas much public inconvenience having been experienced from such default, it appears to be expedient to revive the rule under which defaulters were liable, in addition to the prescribed interest, to a penalty at the rate of 12 per cent. per annum on the arrears due from them respectively, the following rule is enacted, to be in force from the date of the promulgation of this regulation.

II. Clause first, Section 28, Regulation V. 1812, is hereby rescinded, and the penalty prescribed by the provisions which were annulled by the said clause, and which are now re-enacted, shall, when imposed by the Board of Revenue, be realized in the same manner as an arrear of revenue.

Preamble.

Clause first, Section 28, Regulation V. 1812, rescinded, and the provisions which were annulled by that clause to be again in force.



## A. D. 1824. REGULATION XIII.



A REGULATION for making further Provisions relative to the Office of *Sudder Ameen*.—PASSED by the Governor General in Council, on the 22d July 1824; corresponding with the 8th Sawun 1231 Bengal era; the 11th Sawun 1231 Fussyly; the 9th Sawun 1231 Willaity; the 11th Sawun 1881 Sumbut; and the 24th Zekaad 1239 Higeree.

WITH a view to the better administration of civil justice in suits referred for trial and decision to *sudder ameens*, as well as for the more certain and adequate compensation of these officers in certain cases, it has been deemed expedient to discontinue the mode of paying them by the institution fee, or stamp duty substituted for it, in suits decided by them, or adjusted before them by *razeenamahs* of the parties; and to grant them a fixed allowance from Government, calculated to ensure a faithful discharge of duty and afford them a liberal reward for their services; it has, at the same time, appeared proper to render their services more available to the judges of the *zillah* and city courts: the following rules have accordingly been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Preamble.

II. *First*. Such parts of Regulation XXIII. 1814, and of Regulation II. 1821, or of any other regulation in force, as authorize *sudder ameens* to receive as a compensation in original suits and appeals decided by them, or adjusted before them by *razeenamah*, the amount of the institution fee, or stamp duty substituted for such fee, on the suits or appeals so decided or adjusted, are rescinded, and shall have no operation after the 30th day of April, 1824.

Parts of Regulation XXIII. 1814, and Regulation II. 1821, rescinded.

*Second*. From the 1st day of May, 1824, the *sudder ameens* shall in lieu of the fee and compensation abovementioned, receive from Government such monthly allowances as may be fixed for them respectively, by the orders of the Governor General in Council.

*Sudder ameen* to receive monthly allowances in lieu of fees.

III. *First*. Such parts of Section 2, Regulation XXIII. 1814, and Section 4, Regulation III. 1817, or of any other regulation in force, as restrict plaintiffs or appellants in original suits, or appeals adjusted by *razeenamah* before *sudder ameens*, from receiving back the whole or a portion of the institution fee paid by them, in pursuance of the general rules prescribed in the first and second clauses of Section 11, Regulation XIII. 1810, for encouraging the adjustment of depending suits and appeals by *razeenamah*, are hereby rescinded.

Parts of Section 2, Regulation XXIII. 1814, and Section 4, Regulation III. 1817, rescinded.

*Second*. In original suits and appeals referred to *sudder ameens*, and adjusted by *razeenamah*, after the 1st May, 1824, if the *razeenamah* be filed before the pleadings are completed and read, the full amount of the stamp duty paid on the institution of the suit or appeal, shall be returned to the party who may have paid the same, or to his legal representative; or a moiety of the stamp duty so paid shall be returned, if the *razeenamah* be filed after the pleadings have been completed and read.

Stamp duties in original suits and appeals referred to *sudder ameens* how to be disposed of when such suits are adjusted by *razeenamah*.

*Third*. The several *sudder ameens* are required to submit to the judges and registers, with whom they are respectively stationed, a monthly statement of the stamp duty receivable by the parties entitled thereto under the above clause; and the judges, after ascertaining

A monthly statement of stamp duty receivable by the parties entitled thereto to be furnished by the *sudder ameen*.

## A. D. 1824. REGULATION XIII.

ing the correctness of such statements, will take the necessary measures for causing payment to the parties entitled thereto in pursuance of Section 25, Regulation XXVI. 1814.

Part of Section 68, Regulation XXIII. 1814, and Section 6, Regulation XXVIII. 1814, rescinded.

The judge may refer suits *in formâ pauperis* to a *sudder ameen*.

Certain provisions in Regulation XXVIII. 1814, declared applicable to parties in appealed cases referred for trial to *sudder ameen*.

Exception.

Provision in Section 5, of the same regulation extended to *sudder ameen*.

But no final order to be passed for admission of a pauper suit without the sanction of the judge or register.

The whole of clauses 2, 3, 4, 5, and 6, of Section 76, Regulation XXIII 1814, still in force except the 5th, which is hereby rescinded.

Proviso.

IV. *First.* So much of Section 68, Regulation XXIII. 1814; Section 6, Regulation XXVIII. 1814, or of any other regulation in force, as directs that no suits shall be referred for trial and decision to a *sudder ameen* in which the plaintiff may have been admitted to sue *in formâ pauperis*, is hereby rescinded.

*Second.* When a plaintiff may have been admitted by the judge or register of a *zillah* or city court, to institute his suit *in formâ pauperis*, under the rules for paupers contained in Regulation XXVIII. 1814, and the suit may, in other respects, be referrible to a *sudder ameen*, it shall be competent to the judge to refer the same for trial and decision by one of the *sudder ameens* attached to the *zillah* or city court, or stationed with the register in any other part of his jurisdiction; and the suit so referred shall be proceeded upon by the *sudder ameen* as in other suits referred to him, subject to the provisions contained in Regulation XXVIII. 1814.

*Third.* The provisions in the regulation abovementioned respecting pauper defendants in original suits, as well as those respecting pauper appellants and respondents in appealed cases, shall likewise be considered applicable to defendants in original suits, and to appellants and respondents in appealed cases referred for trial to *sudder ameens*; but no person shall be admitted by a *sudder ameen* to prosecute or defend an original suit or appeal, *in formâ pauperis*, without the written order of the *zillah* or city judge, or of the register with whom the *ameen* may be stationed, authorizing the admission of the party as a pauper under the provisions of Regulation XXVIII. 1814.

*Fourth.* The judges and registers who are empowered by Section 5. of the regulation abovementioned, to employ an authorized officer of the court in taking the examinations of parties and witnesses for the purposes therein specified, may however employ the *sudder ameens* attached to their respective courts in taking such examinations, and generally in making the inquiries provided for by that regulation. But no final order for the admission of a pauper shall be passed by a *sudder ameen*, nor shall the commitment of pauper plaintiffs to close custody, in pursuance of Section 11, Regulation XXVIII. 1814, be carried into execution by a *sudder ameen*, without the sanction of the judge or register, to whom it may belong to enforce the decision of the *ameen* in such cases.

V. By the first clause of Section 76, Regulation XXIII. 1814, it is provided, that "in the trial of regular suits by the *zillah* or city judges, or in miscellaneous cases, whenever the adjustment of accounts regarding the execution of decrees, and mercantile or revenue transactions, or the investigation of disputes between landlord and tenant, or of other special matters of account, fact, or usage, may be requisite; and such adjustment or investigation, if conducted by the judge himself, would occupy a larger portion of his time than could be conveniently devoted to it, the judge is hereby authorized to direct any of the *sudder ameens* under his jurisdiction to make such adjustment, or investigation." The second, third, fourth, fifth, and sixth clauses of the section above mentioned, contain further provisions relative to the cases therein stated; and the whole of these clauses shall be still in force, except the fifth; which, in consequence of the salary to be hereafter received by *sudder ameens* from Government, is hereby rescinded; provided however that if any necessary expense be incurred in making the inquiries or adjustments referred to, it shall be competent to the judge, on the completion of the inquiry or adjustment, to order payment of the amount of such necessary expenses by one or both of the parties in the case as may appear just and proper.

## A. D. 1824. REGULATION XIV.



A REGULATION for modifying the Rules in Force for referring to the Collectors summary Suits in Cases of Arrear or Exaction of Rent.—PASSED by the Governor General in Council, on the 22d July 1824; corresponding with the 8th Sawun 1231 Bengal era; the 11th Sawun 1231 Fussily; the 9th Sawun 1231 Willaity; the 11th Sawun 1881 Sumbut; and the 24th Zekad 1239 Higeree.

**T**HE provisions contained in the regulations now in force, empowering the judges of the several *zillah* and city courts to refer to the collectors for adjustment and report summary suits relating to arrears or exactions of rent, have been found insufficient to expedite the trial and adjudication of such suits; and it has in consequence become indispensable to the attainment of that object that the revenue officers should be vested with authority to hear, investigate, and determine, by a summary process, and subject to a regular suit in the civil court, all suits, claims, and demands of rent, arrears or exactions of rent, between landholders or farmers of land, and their under-tenants, or between any other persons concerned in the receipt and payment of the land rents, which may be referred to them for that purpose by the judges of the *zillah* and city courts; the following rules have been accordingly enacted, to be in force from the date of their promulgation throughout the territories immediately subject to the presidency of Fort William.

Preamble.

II. *First.* Such parts of Regulations VII. 1799, V. 1800, XXVIII. 1803, V. 1812, VII. 1813, and XIX. 1817, or of any other regulation in force, as direct or authorize the judges of the *zillah* and city courts to refer summary suits relative to arrears or exactions of rent, or any summary suits within the provisions of the regulations above noticed, to the collectors of the land revenue for adjustment and report, are hereby modified as follows.

\* Parts of former regulations modified.

*Second.* Whenever the judge of a *zillah* or city court court, under the discretion vested in him by Section 13, Regulation XIX. 1817, may consider it proper, with a view to the speedy trial and determination of any summary suit of the nature therein mentioned, to refer the same to the collector of the district, he shall do so by a precept, requiring the collector to investigate and decide the suit referred to him; and to report his decision within a limited period; or to assign reason, at the expiration of such period, why the suit has not been decided, and what further time is requisite for bringing the same to a summary determination.

A judge referring to a collector summary suits under Section 13, Regulation XIX. 1817, shall issue a precept requiring him to try and decide the same within a limited period;

Or assign a sufficient reason.

*Third.* In the event of considerable delay in the decision of a suit so referred to a collector, it shall be competent to the judge to recall the same, and to try the suit himself, or refer it to his register.

In the event of considerable delay, the judge may recall suits from the collector.

III. It shall be competent to the collectors summarily to hear, investigate, and determine, any suits of the nature of those above specified, which may be referred to them by the judges of the *zillah* and city courts, under the provisions of the foregoing section.

The collectors are competent summarily to determine suits referred to them under the foregoing section.

IV. In the trial and decision of such suits, the collector shall be guided by the rules contained in this regulation, and upon points to which these may not be applicable by the

The collector how to be guided in the decision of such suits.

## A. D. 1824. REGULATION XIV.

The collector invested with the same powers as the civil courts in issuing all process.

Except the execution of decrees.

All decisions to be notified by the collector to the judge of the court by which the suit was referred.

The collector's award to be executed by the judge.

The parties are competent to appoint any *vakeel*, or representative they may think proper.

The remuneration of such *vakeel* to be adjusted between himself and constituent.

No other pleadings requisite than a plaint and answer.

Pleadings, &c. to be written on stamp paper of the value of eight annas.

No fees to be taken on the exhibits.

Collectors competent to determine such suits in any part of the district, provided the proceedings be held in public.

A regular suit may notwithstanding be preferred in the *zillah* or city court.

rules prescribed for the guidance of the civil courts in the trial and decision of summary suits of the same description. The collector shall also possess the same powers as are vested in the civil courts for causing the attendance of parties and witnesses, and generally for all process which it may be necessary to issue in such suits, except the execution of decrees, respecting which the following rule is to be observed.

V. All decisions passed by the collectors under the provisions of this regulation, shall be notified as soon as practicable, under the collector's official seal and signature, to the judge of the court, by which the suit may have been referred; and the whole of the papers received, and proceedings held in the case, shall at the same time be transmitted to that court, with a final return to the precept by which it was referred. In cases in which a specific sum shall have been adjudged to be due, or any costs or any damages awarded, the collector's award shall be executed by the judge, under the usual process of the civil court, immediately on his receiving the collector's return as directed; and generally whatever may be ordered by the summary judgment of the collector, consistently with the regulations, shall be carried into execution by the ordinary process of the civil court.

VI. It shall be competent to the parties in all suits, the cognizance of which is hereby vested in the collectors of revenue, to employ any agent, *vakeel*, or representative, whom they may think proper to appoint, to act and plead in their behalf, provided such agent, *vakeel*, or representative, be duly empowered by the parties. The rate of remuneration to such agent or *vakeel* shall be left to be adjusted between himself and his constituent; but no greater sum shall be awarded on this account for costs payable by the party against whom the judgment may be passed, than what may be deemed by the collector a fair equivalent for the attendance of such agent.

VII. No other pleadings shall be required from the parties in such suits than a plaint and answer, provided that if the parties should, at any time, wish to file an amended plaint, or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.

VIII. The *moklarnamahs* or *vakalatnamahs*, and the pleadings and final decree in such suits, shall be written on stamp paper of the value of eight annas, whatever may be the amount of the suit; and no fees shall be taken on exhibits tendered in the cause, or for the witnesses required by the parties, nor shall it be necessary for the parties to present a written motion on stamp paper for the filing of such exhibits, or for the summoning of such witnesses.

IX. It shall be competent to the collectors to hear and determine such suits in whatever part of the district they may occasionally be, or reside, provided that every hearing and decision be in public *cutoherree*, or in some other place open to the public, and in the presence of the parties, or of their constituted agents or *vakeels*, if in attendance.

X. Any person who may be dissatisfied with the summary judgment of a collector passed under this regulation, and may be desirous of a more full and formal investigation of the merits of the case, shall be at liberty to prefer a regular suit in the local *zillah* or city court, and on the institution of such suit the proceedings held on the summary inquiry shall be filed on the record of the regular suit.

## A. D. 1824. REGULATION XV.



A REGULATION for enabling the Magistrates and Joint Magistrates to take summary cognizance of cases of forcible Dispossession from, or Disturbance in the Possession of Land or other Property, subject to a regular Suit in the Civil Court.

—PASSED by the Governor General in Council, on the 22d July 1824; corresponding with the 8th Sawun 1231 Bengal era; the 11th Sawun 1231 Fussily; the 9th Sawun 1231 Willaity; the 11th Sawun 1881 Sumbut; and the 24th Zekaud 1239 Higeree.

**W**HEREAS it appears desirable for the better maintenance of the public tranquillity, and with a view to prevent breaches of the peace, in cases of disputed boundaries or contested claims to the possession of lands, crops, wells, water-courses and other premises, that the summary investigation in such cases which is now made in the courts of *dewanny adawlut*, should, under certain circumstances, be conducted in the *fouzdarry* court, leaving the parties, if dissatisfied with the award of the magistrate, to institute a regular suit in the civil court for the final determination of their rights; and whereas in some districts the offices of judge and magistrate are now held by different persons, under the provision made for that purpose in the second clause of Section 2, Regulation XVI. 1810, and in such instances a reference from the *fouzdarry* to the *dewanny* court, as prescribed in the first clause of Section 5, Regulation VI. 1813, might not always ensure the prompt inquiry and decision which are essential to the object of the summary process therein provided for; the following rules have been enacted to be in force from the date of their promulgation throughout the provinces subject to the presidency of Fort William.

Preamble.

II. The provisions of Regulation XLIX. 1793, Regulation XIV. 1795, Regulation XXXII. 1803, and Regulation VI. 1813, which relate to the summary investigation of cases of forcible dispossession from land, and other property, or forcible disturbance in the possession thereof, are hereby declared subject to the following modifications.

Modification of certain rules relative to cases of forcible dispossession from land, &c.

III. Whenever it may appear to a magistrate, or a joint magistrate, from the report of a police officer, or from any proceedings in the *fouzdarry* court, that disputes exist, concerning any lands or premises, or the right to water for purposes of irrigation, likely to terminate in a breach of the peace if not speedily adjusted, the magistrate or joint magistrate shall address *perwannahs* to the parties, calling on them to attend the *fouzdarry* court in person or by *vaikel*, and to deliver a written statement of their possession, and to adduce proof of their having been dispossessed or disturbed in their possession by the adverse party, whereupon the court, after an investigation of the statements and evidence of both parties, shall proceed to pass a summary decision on the merits of the case, and the party in whose favour judgment may be passed shall be maintained in possession, until the award may be altered or reversed on the institution and decision of a regular suit in the civil court.

Magistrates and joint magistrates how to proceed, when disputes likely to lead to a breach of the peace exist regarding the possession of land, &c.

Summary decision to be passed subject to a regular suit in the civil court.

IV. The magistrate by whom the summary investigation may be conducted in conformity with the preceding rule, shall, when he summons the parties to plead their respec-

Information to be furnished to the civil court.

tive



## A. D. 1824. REGULATION XV.

tive claims, forward a copy of his proceedings to the civil court of the city or district wherein the dispute may have arisen, in order that no investigation of the same case may be entered upon in the civil court, otherwise than on the institution of a regular suit, and in the event of a summary suit between the parties being at that time pending for trial in the civil court, the judge or register, (as the case may be,) shall forward the proceedings of the suit to the magistrate for his consideration and orders.

Magistrates and joint magistrates not authorized to award damages in such cases.

V. It is intended by the provisions of this regulation that the right to possession should alone be determined summarily by the *fousdarry* courts, in order to secure the public peace. It shall not therefore be competent to the magistrates to award damages in such cases, and all parties who may have claims to urge for loss of crops or injuries sustained from dispossession, shall be referred to the civil court for redress under the rules at present in force.

No appeal from the summary decisions of magistrates in such cases to be admitted, except on the ground that the case was not cognizable by the magistrate under this regulation.

The court of circuit how to proceed, when such appeals may be preferred.

VI. It is hereby declared, that as the summary process authorized by this regulation is subsidiary to a regular suit in the *xillah* or city civil courts, no appeal shall be admissible against the judgments passed by the *xillah* or city magistrates, or joint magistrates, unless the ground of appeal be the irrelevancy of the regulation to the case appealed; on which ground only the court of circuit of the division is authorized to receive an appeal, if preferred at the *sudder* station of the court within one month of the date of the summary decision, in pursuance of the general rule prescribed in Section 5, Regulation III. 1821. The court of circuit, after receiving the appeal, and calling for the proceedings in the case, shall dismiss the same with costs, if the stated ground of irrelevancy shall not appear to be established. If on the other hand the provisions of this regulation appear inapplicable to the case, the court of circuit shall reverse the irregular judgment given by the magistrate or joint magistrate, and pass such further orders thereupon as they may think just and proper, in pursuance of the regulations in force, which may be applicable to the circumstances of the case.

## A. D. 1824. REGULATION XVI.

A REGULATION for rescinding and modifying certain Parts of the existing Regulations, relating to the Collection of Stamp Duties.—PASSED by the Governor General in Council, on the 18th November 1824; corresponding with the 4th Aughun 1231 Bengalee era; the 12th Aughun 1232 Fussily; the 5th Aughun 1232 Willaity; the 13th Aughun 1881 Sumbut; and the 26th Rubee-ul-Uwal 1240 Higeree.

**W**HEREAS it is the intention of Government, with a view to prevent the forgery of stamp paper, to cause stamps of a high value to be impressed on paper specially manufactured in Europe for that purpose, and bearing in water-mark the device of the East India Company's arms, with the following words, in addition to the ordinary legend of the said arms, that is to say, the words "Government Stamp," in English, and corresponding words in the Bengalee language and character, and in the Hindoostanee language and Nagree characters, and the words *Ulamut Hukoomut Kumpanee* in the Persian character, and the said impression will supersede the necessity of causing the paper to be authenticated in the manner prescribed in Section 6, Regulation I. 1814; and whereas it appears unnecessary to continue the said authentication of stamp paper, of any description, of which the value may be less than eight annas, for each piece, and it is otherwise expedient to modify certain parts of the existing regulations relating to this branch of the public revenue; the following rules have been enacted to be in force, within the provinces belonging to the presidency of Fort William, from and after the expiration of six weeks from the date of their promulgation.

Preamble.

II. Stamp paper of whatever value, being paper of the description specified in the preamble of this regulation, as well as stamp paper of a value not exceeding four annas for each piece, shall and may be sold and distributed, without being authenticated in the manner prescribed in Section 6, Regulation I. 1814. Provided however, that paper of the above description or value, though bearing such authentication, shall nevertheless be current as heretofore. The rule contained in the aforesaid section shall continue to be observed in regard to all stamp paper of the value of eight annas and upwards, not being paper of the description specified in the preamble of this regulation. But it shall be competent to Government to alter, modify, or rescind that rule by an order in council, in such manner as may from time to time be judged expedient, or by a like order to cause any new or additional device or legend to be impressed on the stamp paper.

Water-mark paper, or paper of a value not exceeding four annas per piece, need not be authenticated.

III. Sections 9, 11, and 12, Regulation I. 1814, with so much of Section 18, of that regulation as refers to *moktarnamahs*, and Sections 17, 18, 19, and 26, Regulation XXVI. 1814, excepting so much of Section 19, as relates to security bonds (*malxaminee*, *faixaminee* or *haxirxaminee*) taken by or by order of any court, collector, or other judicial or revenue authority, are hereby rescinded.

Certain provisions rescinded.

IV. From and after the date specified in the preamble of this regulation, stamp duties shall be chargeable on the deeds, instruments, and writings, specified in the schedule, (No. 1.) annexed to this regulation, at the rates therein set forth, and no instrument, deed, or writing of the descriptions specified in the said schedule (saving of course what may be therein

New stamp duties prescribed for certain deeds, instruments, and writings.

## A. D. 1824. REGULATION XVI.

therein declared to be exempted) shall be written or printed on any paper, parchment, vellum, taur-leaf, or other material applicable to such purpose, unless the same shall have been first duly stampd with a stamp, denoting and expressing the duty prescribed for such deed, instrument, or writing. Provided however, that if any of the deeds or instruments specified in the said schedule shall require for their due engrossment two or more rolls of paper, it shall be sufficient that one of the rolls is stamped with the prescribed stamp, provided the roll or sheet so stamped shall bear the signatures of the party or parties and of the attesting witnesses.

Lands how to be valued.

V. The valuation of lands and other property affected by deeds, instruments, or writings chargeable with a stamp duty, rated by the value thereof, shall be made in conformity with the provisions contained in Section 14, Regulation I. and Section 23, Regulation XXVI. 1814, as explained by Section 5, Regulation XIX. 1817.

Penalty for employing paper not bearing the prescribed stamp.

VI. *First.* If any person or persons shall, after the date specified in the preamble of this regulation, write or engross, or cause to be written or engrossed on any vellum, parchment, paper, or other material, any of the matters or things on account of which such material would be chargeable with stamp duty, under the rules of this or any other regulation in force, before the said material shall have been duly stamped, or if any person shall after the said date in any manner make, sign, or execute, or knowingly accept or negotiate any deed, instrument, or writing chargeable with a stamp duty that may not have been executed on paper, or other material duly stamped, such person or persons shall forfeit for every such offence a sum equivalent to twenty times the value of the stamp paper, which ought to have been used.

Or evading the rule by executing deeds out of the provinces.

*Second.* The same penalty shall be forfeited, paid, and levied by and from any person or persons ordinarily resident within the provinces, to which this regulation extends, who may execute, or cause to be executed in any place on the continent of India, not being within the said provinces, any deed, instrument, or writing of the description chargeable with stamp duty, with the intention of evading the payment of the prescribed duty, and also by and from any person or persons who may knowingly accept or negotiate any deed, instrument, or writing so executed.

No deed executed in any place on the continent of India shall be received in any court, unless written on paper bearing the prescribed stamp.

*Third.* Provided also, that no deed, instrument, or writing executed in any place whatsoever on the continent of India, and relating to the payment, receipt, sale, conveyance, assignment, or transfer of any property, real or personal, being within any province or place to which this regulation extends, or of any interest in such property, or to any agreement, contract, engagement, or settlement, to have effect within any province or place as aforesaid, such deed, instrument, or writing being of a description chargeable with stamp duty under the rules of this or any other regulation (saving and except bills of exchange *bonâ fide* drawn out of the said provinces), shall be admitted in evidence, or otherwise received or filed in any court of judicature or other public office, unless the paper, vellum, or other material on which such deed, instrument, or writing may be written shall be stamped with the stamp prescribed for such deed, instrument, or writing.

Foreign bills of exchange not to be negotiated without payment of prescribed stamp duty.

*Fourth.* Provided further, that no bill of exchange drawn on any part of the continent of India, and payable within any province or place to which this regulation extends, shall be negotiated within any such province or place, unless the same shall first be stamped with the stamp prescribed by this regulation for a bill of the like amount, or unless a copy thereof executed on paper bearing such a stamp shall be prepared and attached to the original bill, with the signature of the person endorsing such original. Any violation of this prohibition shall subject the parties offending to the same penalties and forfeitures, as are prescribed for the case of persons executing deeds or instruments within the provinces, to which this regulation extends, on paper not duly stamped.

Holders of instruments written on unstamped paper, on what conditions to get them duly stampd.

*Fifth.* Provided however, that if any person or persons writing or engrossing or causing to be written or engrossed any matter or thing chargeable with a stamp duty upon unstamped paper, vellum, parchment, or the like, or any person or persons accepting or becoming possessed of any deed or instrument so written on unstamped paper, or desirous of negotiating or benefiting thereby, shall voluntarily carry the same to the collector, and shall pay to that officer the entire amount of duty chargeable thereupon, together with the amount

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hereinafter provided, the collector shall transmit the deed, instrument, or writing to the superintendent of the stamp office, for the purpose of being duly stampd, and the person aforesaid shall not be liable to the penalty declared in the preceding clause, that is to say, if the deed, instrument, or writing originally executed on unstamped paper, shall be brought to be stamped in the manner above mentioned, at any time before the money conditioned or directed to be paid, or any part thereof, or the act conditioned to be done shall be due, but not later than thirty days from the date of the execution of the deed, instrument, or writing, or (in the case of deeds and instruments not conditioning the payment of money, or the performance of any contract within a specific period) at any time, within thirty days of the execution of the deed or instrument, the party shall pay a sum equal to five times the value of the stampd paper, which ought to have been used. If the deed or instrument aforesaid shall not be brought in the manner above mentioned, within the period above specified, the party bringing it shall pay a sum equal to ten times the value of the stampd paper, which ought to have been used. Provided also, that in the case of bills of exchange, which may be payable on demand, or which may be made payable at a certain date after sight, and which may not have been presented for payment, the maturity of such bills shall be calculated, by allowing for the presentation of them a period of two weeks, in addition to the time required for their transmission to the place on which they may be drawn, by the public dawk.

If within thirty days.

If after thirty days.

*Sixth.* In case any deed, instrument, or other writing liable to a stamp duty shall have been executed on paper, parchment, vellum, or other material stamped for a rate or amount of duty less than what may be the rate or amount chargeable on account of the matter or thing that may have been engrossed or written thereupon, the like penalties shall attach as have been provided by the preceding rules of this section, that is, a sum equal to twenty times the excess of the proper stamp above the value of that which may have been used shall be forfeited, if the error of the stamp be discovered otherwise than by the voluntary production of the deed, instrument, or writing, by the party or parties concerned, and a sum equal to five or ten times the said excess, if the party shall voluntarily bring such deed to have the proper stamp affixed within the periods above stated respectively.

Penalty in case of the employment of paper stamped with too low a stamp.

*Seventh.* Provided however, and it is hereby enacted, that in case any deed or instrument chargeable with a stamp duty shall have been executed on unstamped paper, or other unstamped material, or on any material bearing a stamp of an amount not equal to the duty chargeable upon such deed or instrument, then, if the person executing such deed or any other party interested shall establish, to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, that the irregular execution of the deed or instrument was owing to accident or inadvertence, or to any unavoidable cause, it shall be competent to the abovementioned authority, in case they should think proper to do so, to remit part or the whole of the penalties above enacted, and to cause a proper stamp to be affixed to such unstamped, or improperly stamped instrument, on the payment of the actual amount of duty chargeable thereupon. It shall also be competent to the Board, or other authority aforesaid, in cases in which, under special circumstances, it shall be proper or expedient, to direct the collector to grant to the party a paper bearing the prescribed stamp, certifying thereon the amount paid, and the nature and date of the instrument on account of which it may have been levied, and authorizing the party to file, exhibit, and record the same in any court or public office with such certificate and authority annexed; and on the production of such certificate and authority duly annexed to the instrument, the latter shall be filed, recorded, received, and enforced in the same manner as if it were executed on paper bearing the prescribed stamp.

Provision for cases of accident or inadvertence.

*Eighth.* It is further hereby declared to be competent to the Board of Revenue, or other Board or Commission exercising the powers of that Board, to authorize and direct the prescribed stamp to be affixed to any deed, instrument, or writing, which may have been written on unstamped paper, previously to the enactment of this regulation, on the payment, by the party holding or desiring to benefit by such deed, instrument, or writing, of such a fine as the said Board may judge fit to demand: and any deed, instrument, or writing so stamped, shall be, and be considered equally valid as if it had been originally written

Board authorized to cause a stamp to be impressed on deeds and instruments executed on unstamped paper previously to the enactment of this regulation.

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written and engrossed on paper bearing the proper stamp, any thing in the existing regulations to the contrary notwithstanding.

Applications in such cases how to be made.

*Ninth.* Persons desiring to have the proper stamp affixed to deeds or instruments written on unstamped or stamp paper of an inadequate value without the payment of the prescribed penalty, may make application for that purpose, either directly to the Board, or to the collector or other officer in charge of the stamp office. In cases in which application may be made to the Board, that authority will either investigate the case themselves, or refer it for report to the collector as they shall judge most convenient, and in all cases, in which the party may apply to the collector or other officer aforesaid, it shall be the duty of such officer forthwith to hold proceedings on the case, and to submit a report on the circumstances of it to the Board, to which he may be subordinate, with as little delay as practicable.

Penalty for filing or recording papers not executed on paper bearing the prescribed stamp.

*VII. First.* Any person or persons filing, or exhibiting, or recording, or causing, or procuring to be filed, exhibited, or recorded for the purposes of proof, information, registry, or for any purpose or in any manner whatsoever, in any court of justice or in the office of any collector, register, or other public officer any deed, instrument, petition, pleading, or other writing of the description required to be written on stamp paper, which may not be written on the prescribed stamp paper, whether the said person or persons be himself the party interested in the case or matter on account of which such deed, instrument, petition, pleading, or writing may be filed, exhibited, or recorded, or be the *vakeel* or *moktar* of such party, or be a ministerial officer of such court or office, save and except the cases provided for in Section 8. of this regulation, shall besides dismissal from office, (if the offender be an officer of Government or authorized *vakeel* of court,) forfeit to Government a sum equal to twenty times the value of the stamp paper on which such deed, instrument, petition, pleading, or writing ought to have been written.

Penalty for *vakeels* and others preparing papers without the prescribed stamps.

*Second.* Any *vakeel* or authorized pleader attached to any court of judicature, any *cauxy*, or public officer whatsoever, who may draw up any deed, instrument, or other writing, required to be written on stamp paper, on paper or other material not bearing the prescribed stamp, or who may attest, or record any deed, instrument, or writing, which may not be written on the prescribed stamp paper, or who may prepare for the purpose of being authenticated, a copy of any deed, instrument, or writing on paper or other material not bearing a stamp of the same value, as is prescribed for the original of such deed, instrument, or writing, shall besides dismissal from office, forfeit to Government a sum equal to twenty times the value of the stamp paper on which such deed, instrument, or writing ought to have been written.

No exception on account of overvalue.

*VIII.* No exception shall be taken to any deed, instrument, or other writing, on the ground that the stamp which may have been used is not of a proper denomination, or rate of duty, provided the stamp or stamps used equal or exceed in value the stamp or stamps, which under the provisions of this regulation ought to have been used.

Stamps to be stamped on such paper, and in such manner as Government directs.

*IX. First.* So much of Regulation I. 1814, as prescribes that the stamps specified in Section 5. of that regulation shall be stamped at the office of the superintendent of stamps, together with such parts of the said regulation as prescribe, or can be construed to prescribe, the use of any particular description of paper, are hereby rescinded; the aforesaid stamps as may hereafter be used shall be impressed at such place, and in such manner, and on such paper or other material, as the Governor General in Council may, from time to time, direct.

Board of Revenue to cause proper dies, &c. to be prepared.

*Second.* In further modification of Section 5, Regulation I. 1814, it is hereby enacted, that it shall be competent to the Board of Revenue, with the sanction of Government, to cause such sets of stamps to be prepared, as may appear to them best suited for expressing and denoting the several stamp duties directed to be raised under this or any other regulation; and to direct the employment of two or more stamps to denote and express the amount chargeable on any single piece of vellum, parchment, paper, or other material; provided however, that the stamps impressed at the office of the superintendent of stamps, or other place, appointed in lieu of it, shall always correspond in number and value with the counter-stamps impressed at the general treasury, and that all dies shall besides the words denoting their

## A. D. 1824. REGULATION XVI.

their value contain the following words, that is to say, those used at the office of the superintendent of stamps or other place aforesaid, shall contain the words "Stamp office," and the counter-stamp impressed at the general treasury shall similarly contain the words "General Treasury."

X. So much of Section 10, Regulation I. 1814, as prescribes that a single office only shall be established in each district, for the superintendence of the sale of stamps, and as fixes the mode and extent of remuneration to be granted to the officer in charge of the said office, together with such part of the aforesaid section, as prescribes, or can be construed to prescribe, that licenses for the sale of stamp paper shall be granted only to natives of India, is hereby rescinded. The rules contained in the aforesaid section, which refer to the form of *sunnud* to be granted to, and engagements to be executed by, the licensed venders of stamps, are likewise declared to be subject to the modifications hereinafter prescribed. Such offices shall be established for the above purpose in the several districts, as the Governor General in Council shall from time to time direct, and Government further reserves to itself the power of determining, from time to time, the remuneration to be assigned to the officers vested with the charge of the several stamp offices, now established, or hereafter to be established, and similarly of fixing, from time to time, the limits within which the said officers shall exercise the powers and perform the duties in this behalf ordinarily vested in collectors of land revenue by Regulation I. 1814. Provided also, that all rules contained in this or any other regulation now in force, or hereafter to be enacted, which have reference to the powers and functions exercised, or emoluments enjoyed, by the said collectors, shall, in matters of, or belonging to, the stamp revenue, be held applicable to all other public officers, who may be vested with the charge of a stamp office under the above rule, unless otherwise specially provided. The collectors or other officers in charge of a stamp office shall, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, authorize such persons to sell stamps as may appear proper. Provided however, that all such persons shall be furnished with a license in the form No. 2, annexed to this regulation, and that a list of all licensed stamp venders shall be stuck up in a conspicuous place in the *cutcherry* of the collector of the district, and in the court room of the nearest *dewanny adawlut*, or in such other place or places, as the Board of Revenue, or other authority aforesaid, shall direct. Provided also, that all persons now appointed or authorized, or who may hereafter be appointed or authorized, to sell stamps, under the authority of the collector or other officer in charge of a district stamp office, shall enter into an engagement, according to the form No. 3, annexed to this regulation, and shall furnish adequate security for the due performance of the several stipulations therein contained, subject to the several penalties hereinafter specified. Provided also, that it shall and may be lawful for the Board of Revenue to require venders or distributors of stamps to come under such further engagements as may appear necessary, and as may be legally required from them: any thing in the existing regulations to the contrary notwithstanding.

XI. *First.* All authorized stamp venders shall at all times have their respective licenses, together with a copy of the schedule annexed to this regulation, duly authenticated by the official seal and signature of the collector or other officer, by whom they may have been licensed, stuck up in a conspicuous place in the *cutcherry* room or other place in which they may sell the stamps: and shall further stick up such a notification on the outer door of their *cutcherry* or house, as the collector or other officer may direct, that the public may be fully apprized of their appointment. Any disobedience of this rule will subject the party offending to a fine of fifty rupees.

*Second.* All stamp paper sold by authorized venders, or otherwise delivered to individuals for use, shall be endorsed by the vender or other person delivering the same, with his signature, written in the manner commonly used by him; and the vender or person aforesaid shall further inscribe on the back of each sheet or piece of such paper, the date of such sale or delivery. Any vender or distributor giving out stamp paper or the like, without writing, at the back of each sheet or piece, his name as aforesaid, and the date of sale or delivery, shall forfeit for every such offence the sum of fifty rupees, provided the value of the paper sold do not exceed the sum of sixteen rupees; but if the value of the paper so sold without signature exceed the sum of sixteen rupees, then the vender shall for every offence

Such officers to be appointed to the management of stamp concerns in each district, with such remuneration as Government may judge fit. Rules regarding appointment of stamp venders likewise modified.

Appointment of venders how to be made.

Condition of appointment.

Venders always to have stuck up for general inspection, a copy of the schedule of duties, together with their respective licenses.

And further to notify their appointment as may be directed

Penalty for neglect.

Stamp venders to endorse paper sold by them.

Penalty for neglect.

## A. D. 1824. REGULATION XVI.

Penalty for writing a false date.

so committed forfeit a sum equal to three times the value of the paper so illegally sold by him. Any vender or distributor writing a false date at the back of any paper, vellum, or parchment, given out by him, shall forfeit the sum of one hundred rupees for every such offence, or if the value of the stamp sold exceed that amount, then he shall forfeit six times the value of such stamp paper, besides being liable to the penalty of his bond in case of any breach of its stipulations.

Venders not to sell stamps at an inadequate price.

Penalty for selling or delivering without receiving the full price.

Penalty for purchasing at an inadequate price.

*Third.* No vender or distributor of stamps shall give out, or deliver any stamp paper, or the like, without having previously received the full amount of the duty denominated by the stamp or stamps thereon impressed, unless otherwise specially permitted or directed by the collector or Board of Revenue; and any vender or distributor who may, without a special direction, or permission in writing from the collector or Board aforesaid, give out or deliver any stamp paper, vellum, parchment, or the like, without having received the entire amount of duty, denominated by the stamp or stamps affixed thereto, shall forfeit for each and every piece of paper or other material aforesaid, so given out or delivered by him, the sum of fifty rupees, besides being held responsible for the amount which should have been taken, in case of its not being afterwards recovered. And any person taking or receiving stamp paper, without having paid the entire amount of duty as aforesaid, shall forfeit a like sum for each and every piece of paper so received or taken by him.

Penalty for refusing or delaying to deliver paper.

*Fourth.* All venders and distributors of stamps shall comply with all applications made to them, for the purchase of stamp paper or the like, with as little delay as practicable; and any vender or distributor being applied to for stamp paper or the like, and having in his possession the description of paper required, shall, in case of refusal or wilful delay to furnish the same to the person applying for it, and tendering the value in coin of the established currency, or in notes authorized by Government to be received in payment of the public revenue, forfeit for every such offence the sum of fifty rupees.

No vender to take more than the prescribed price for stamps sold by him.

*Fifth.* No vender or distributor of stamps shall, on any plea or pretext whatsoever, take, receive, or demand, a higher price for the stamps sold or delivered by him than the sum denoted by the stamp or stamps impressed on the paper, parchment, or the like, so sold or delivered, or any fee, reward, or consideration for furnishing stamps to persons applying for them. Any vender or distributor who, upon furnishing stamp paper, parchment, vellum, or any other article bearing a stamp, to any individual for use, shall, as a consideration for furnishing the article, or on any other pretext, take or demand a higher price than the amount that may be denoted by the impression of the stamp or stamps upon such paper, parchment, vellum, or the like, shall forfeit for every such offence the sum of sicca rupees one hundred.

Penalty for taking or demanding more than just price.

Accounts to be kept by venders.

Venders regularly to pay money received by them on sale of stamps.

*Sixth.* All persons licensed to vend or distribute stamps, shall keep such accounts of the paper received and delivered by them, as the Board of Revenue may direct, and shall furnish the collector with such copies or extracts of those accounts, and at such periods, as he may from time to time require. The said persons shall regularly pay to the collector all money received by them, on the sale of stamps entrusted to them, on account of Government, at such periods as the said officer may appoint, and shall at all times, when required, permit the collector, or other person duly authorized by him, to inspect the accounts kept by them, and to examine the store of stamp paper or the like, which they may at any time have in their possession.

Penalty for refusal or neglect to produce accounts.

*Seventh.* Any vender or distributor failing to produce before the collector, to whom he is subordinate, any of the accounts required to be kept by him, after requisition made in writing by that officer, on the day fixed in such requisition, and failing to account for such omission, to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, shall forfeit the sum of rupees fifty, and shall further be subject to such daily fine, for every day beyond the date fixed in such requisition, for the production thereof, until the day when the accounts may be produced, as the Board or other authority aforesaid may impose.

Penalty for withholding accounts and store of paper from inspection of collector.

*Eighth.* Any vender or distributor refusing to permit the collector, or other person duly authorized by a writing, under the seal and signature of that officer, to inspect the said accounts, and examine the store of stamp paper, at the time in the custody of such vender



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or distributor, immediately upon demand, shall forfeit for every such refusal the sum of one hundred sicca rupees, and shall further be subject to such daily fine until he complies, as the Board of Revenue may direct.

*Ninth.* When the license of any vender or distributor may be withdrawn, or upon resignation, all stamp paper or other article remaining in store at the time of such removal or resignation, and all accounts regarding the sale and distribution of stamp paper or the like, at any time delivered to him, together with the balance of all money or moneys, which may have been realized by the sale and distribution thereof up to the date of the said removal or resignation, and which may not have been already paid or accounted for to the collector of stamp duty, and likewise the *sunnud*, *perwannahs*, or other documents, which the said vender or distributor may have received from that officer, shall be forthwith delivered over to the collector, or to such person or persons as he may appoint by a writing under his hand and seal to take charge thereof, receiving for such parts of the stamp paper or the like as may have been furnished to him, under the provisions of clause fifth, Section 16. of this regulation, the amount actually paid by him for the same as therein directed. In case any vender or distributor so removed or resigning, shall refuse or fail to make over the said accounts and stores, and the balance of the accounts in cash or any part thereof, he shall forfeit for such failure or refusal a sum equal to treble the amount and value of the stamps and money, which may appear from the accounts kept at the collector's office to be in the possession of such vender or distributor, together with such daily fine, until the papers, accounts, and documents required are furnished, as the Board or other authority aforesaid may direct.

On resignation or dismission, paper and accounts to be delivered up.

*Tenth.* In case of the death of any vender or distributor, the collector shall in like manner be empowered to demand from the heir and person administering to the estate of, or representing the deceased, or other person in charge of his effects, the remainder of any store of stamp paper, vellum, parchment, or the like, in the possession of such vender or distributor at the time of his decease, together with all accounts of the sale or distribution thereof, and all *sunnuks*, *perwannahs*, and other documents or writings as aforesaid, that may be forthcoming amongst the effects of the deceased, and in the event of any refusal on the part of the heir, administrator, or other person in charge of the effects of the deceased, to deliver the same, or of refusal to allow search to be made, whenever the collector may demand to make search for the said stores or accounts, such heir or administrator, or other person in charge of the estate, shall forfeit for every such offence the sum of fifty rupees, together with such daily fine, until the papers, accounts, and documents required are furnished, as the Board or other authority aforesaid may direct.

Also on death of vender.

*Eleventh.* Provided also, that it shall be competent to the collector, in the cases specified in the two preceding clauses, as well as in all cases, in which a vender or distributor may fail or delay to account for, and make good, the value of any stamp paper or the like, with which he may have been furnished for sale on account of Government, immediately to call upon the surety or sureties of the said vender or distributor to make good the deficiency of money or paper, and on their failure to do so, to proceed against all or any of them, either by putting their bond in suit, or summarily in the manner hereinafter authorized.

In case of deficiency, collector may proceed against parties.

*Twelfth.* Provided further, that on the failure or refusal as aforesaid of any of the parties specified in the four preceding clauses, it shall and may be lawful for the collector to issue a search warrant, under his official seal and signature, for the discovery of any paper, money, or accounts, which the said parties may withhold: such warrants to be executed under the same rules and restrictions as are applicable to those issued by officers in charge of the *abkaree mohaul*.

Collector may issue search warrant.

**XII. First.** If any deed, instrument, petition, pleading, or other writing, required to be written on stamp paper, and written on the prescribed stamp paper, shall be filed, exhibited, or recorded, in any court of judicature or public *cutcheree*, or before any judge, collector, register, or other public officer, not having the signature of a licensed stamp vender, or other person duly authorized to sell or distribute stamps, endorsed upon it, the person or persons filing, exhibiting, or recording the said deed, instrument, petition, pleading, writing, or causing or procuring it to be filed, exhibited, or recorded, shall forfeit a sum equal to five times the value of the said stamp paper. And if any deed, instrument, petition,

Penalty for filing or recording paper not duly endorsed.

pleading,



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pleading, or document shall be filed, exhibited, or recorded, as aforesaid, having a forged or counterfeit stamp or signature, the person filing, exhibiting, or recording such deed, instrument, or document, or causing or procuring it to be filed, exhibited, or recorded, shall forfeit to Government, a sum equal to twenty times the value of the stamp, which ought to have been used, unless the material on which the same may be executed shall bear the signature and date required by Sections 11, 14, and 15. of this regulation, and the party shall be able to show, that the material stamp with a forged stamp, was purchased or obtained on the date specified on the back, and from the individual whose name may be there signed. If the said signature and date shall be duly endorsed on the back of the material stamped as aforesaid, with a forged impression, and the proof adduced to the fact and date of purchase be deemed by the judge or other officer, before whom or in whose office the deed, instrument, or other writing, may have been filed, exhibited, or recorded, to be sufficient, that officer, if not himself the collector, shall transmit the document to the collector, with a communication of his judgment in the case, and the collector, on payment by the party of one half the established duty chargeable on account of the matter of the instrument or deed in question, shall forward it to the superintendent of stamps in order that it may be duly stampd.

Proceeding to be followed in case of forged stamp being filed.

Persons discovering forged stamps in their possession, how to proceed.

*Second.* If any person shall discover that any deed, instrument, or document, in his possession is written on paper or other material bearing a forged or counterfeit signature or stamp, such paper or other material bearing the signature and date required by Sections 11, 14, and 15. of this regulation, and shall state the circumstance to the Board of Revenue, or other authority exercising the powers of that Board, or to the collector, or other officer in charge of the office established for the sale and distribution of stamps, the said person shall, on proving to the satisfaction of the Board of Revenue or other authority exercising the powers of that Board, that the paper or other material in question was purchased or obtained on the date specified on the back, and from the individual whose name may be there signed, be entitled to have the said paper or material duly stampd without any fee or charge.

Decision of the Board regarding penalties, in what cases to be final.

*XIII. First.* The decision of the Board of Revenue, or other authority exercising the powers of that Board, shall be final in regard to all forfeitures and penalties to which venders or distributors of stamps may become subject, for any breach of the rules prescribed in Sections 10 and 11. of this regulation, or for any violation of the stipulations inserted in their engagements. The Board or other authority aforesaid shall and may determine the forms and process to be followed by the collectors in such cases, and the rules according to which their own proceedings are to be regulated, with reference to other cases in which the revenue authorities are vested with judicial powers.

Penalties and balances due by venders or distributors, how to be recovered.

*Second.* Such penalties, when adjusted by the Board or other authority aforesaid, as well as all balances of cash due from the said venders or distributors, or from any officer of, or belonging to, the stamp department, shall and may be recovered by the collectors from the persons or officers aforesaid, or from their sureties, by the same process, as it is or may be lawful to follow for the recovery of arrears of land revenue due from any farmer of land or his surety.

Penalties other than those above specified how to be recovered.

*Third.* All penalties prescribed in this regulation, with the exception of those specified in clause first of the present section, shall be recoverable by a summary process in the courts of *deewanny adawlut*, at the suit or information of the collector, or other officer vested with the charge of the office established for the sale and distribution of stamps; or, in the case of writings filed, exhibited, or recorded in any public office, on the suit or information of the officer in charge of such office, or of any of the ministerial officers belonging to it, or of any other individual. Provided however, that in all cases of fines and forfeitures incurred under this regulation, whether the same shall have been adjudged by a Revenue Board, or by a court of judicature, it shall be competent to the Board, within the jurisdiction of which the offence may have been committed, to abate, remit, or forgive such part of the prescribed fine or forfeiture as they may judge proper, and an order from the said Board to the collector of the district shall be a sufficient warrant to the court, for the discharge of any person confined for non-payment of any fine or forfeiture incurred under the provisions of this regulation.

Power of remitting penalties vested in the Revenue Boards.

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**Fourth.** Persons giving information, which shall lead to the conviction of any person guilty of any of the acts, for which a penalty or forfeiture is declared and prescribed by this regulation, shall, on conviction of the offender, be entitled to a moiety of the fines and forfeitures levied from him. The remaining moiety is to be carried to the credit of Government, as well as all fines levied from persons voluntarily producing unstamped, or irregular stamp writings, under the provisions of clauses 5, 6, 7, and 8, Section 6.

Rewards to informers.

**XIV.** In modification of the rule contained in clause 9, Section 10, Regulation I. 1814, it is hereby declared and enacted, that the provisions of the clause for the punishment of persons concerned in the unlicensed sale of stamp paper, shall not be applicable to the case of persons, who having *bonâ fide* purchased stamp paper for their own use, with the prescribed endorsement from one of the authorized venders or distributors, may transfer the same to another at a price equal to the amount of duty denominated by the stamp or stamps impressed on the paper or other material so transferred; provided however, that every person who may so transfer stamp paper shall endorse the same with his signature, in the presence of one or more creditable persons, and the proof that the paper was purchased as aforesaid, shall lie with the person so transferring it. Provided also, that if any individual shall sell or buy any stamp paper, or other material bearing, or purporting to bear, the Government stamp, for a less price than the amount of the duty denominated by the stamp or stamps thereon impressed, he shall forfeit for each and every piece of paper or other material so bought or sold by him, the sum of fifty rupees, besides being subject to punishment under the rule contained in clause 9, Section 10, Regulation I. 1814.

Modification of the rule, regarding the transfer of stamps by one individual to another.

Individuals how to transfer stamps.

**XV. First.** For the convenience of merchants, indigo planters, and others, who may be desirous of having at all times in their possession papers, parchments, or the like, stamped with various impressions, to be used, as occasion may require, in the drawing up of instruments of any of the descriptions required to be executed on materials impressed with a Government stamp, it is hereby provided that any person desirous of obtaining a supply of stamp paper or other material, shall, on application to the collector of the Twenty-four Pergunnahs, or such other officer or officers, as the Governor General in Council may from time to time appoint, and the payment into his treasury of the amount chargeable on account of the stamps required, receive a certificate from the collector or officer aforesaid, stating the amount paid and the number and value of the stamps required: and on the production of that certificate, together with the necessary quantity of plain paper, parchment, or other material, the superintendent of stamps, or other officer in charge of the stamp office, shall cause the same to be immediately stamped at his office, with the stamps specified in the said document, and shall transmit the said papers, parchments, or other materials, to the general treasury, to be there impressed with the necessary counterstamps. Provided however, that no person shall be entitled to require the collector or other officer aforesaid to grant a certificate in the manner above stated, unless the total value of the stamps for which he may tender payment shall amount to the sum of one hundred rupees, and the number of pieces of paper, vellum, or other material, required to be stamped shall not be less than twenty.

Individuals on what terms to be supplied with stamps for eventual use.

**Second.** No paper, vellum, parchment, or other material, shall on any account be received by the superintendent of stamps, to be stamped on account of any individual, unless the same be accompanied with a receipt in full under the signature of the collector or other officer aforesaid, for the entire amount of duty which may be required to be impressed thereon, or unless the same be sent to be stamped by authority of the Board of Revenue, under the powers vested in that Board by this regulation. The receipt of the collector or other officer aforesaid, shall in all cases specify as well the aggregate amount paid, as the number and description of the stamps required, and the exact number of sheets or pieces on which the same are to be impressed, and all such receipts shall be disposed of by the superintendent in such manner as the Board of Revenue may direct.

Receipt to be produced to superintendent of stamps by persons wishing to have paper stamped.

**Third.** The superintendent of stamps shall appoint one or more officer or officers of his establishment to receive and compare with the receipt of the collector of the Twenty-four Pergunnahs or other officer aforesaid, all papers or the like brought to be stamped as above, and after the stamps shall have been affixed, the same officer shall again count the whole, and sign his name at the back of each separate sheet or piece of paper, or other material; and he shall likewise note on each the date on which the said paper is ready for re-delivery, and further

Examination and authentication of stamps delivered by superintendent to individuals.

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make an entry to that effect, with specification of the quantity of paper, or the like, impressed with each description of stamp in a book to be specially kept by him for that purpose. When the paper or other article shall be prepared in the manner above described, it shall be made up into a parcel, to be sealed with the superintendent's seal, and shall in that state be forthwith transmitted to the person, who may have sent it to be stampd, or, at the superintendent's option, notice shall be sent of its being ready for delivery when called for.

Discount in what cases and to what amount to be allowed.

*Fourth.* Whenever any person or persons shall desire to send paper or other material to the stamp office, for the purpose of being stampd, and shall consequently pay the amount of duty in advance in the manner above required, it shall be competent to the collector or other officer aforesaid, in case the total amount so falling to be paid shall exceed the sum of five hundred rupees in any one payment, to allow to the party making such payment a discount at the rate of four per cent. upon the aggregate amount of duty leviable, or such other rate as may from time to time be appointed by the Governor General in Council, by notification in the Government Gazette, and the amount of such discount shall be charged and entered in the accounts of the collector or other officer aforesaid, under the head of disbursements.

Board may order stamps to be furnished on conditions above specified to licensed venders.

*Fifth.* It shall also be competent to the Board of Revenue to direct and cause stamps to be furnished in the manner prescribed in this section, to any licensed venders who may be willing to purchase the same. All such persons however, shall in the sale of stampd paper so furnished to them, be subject to the same rules as are prescribed for the sale of stamps supplied to them on account of Government. Provided however, that if such vender shall resign or be dismissed, or his license be otherwise cancelled, then and in that case, he, his representative, or assign shall deliver up to the collector of stamps, or to such person as he may appoint to receive it, all the stampd paper, vellum, or the like, furnished to him, under the provisions of this section, or such portion as may not have been disposed of, and shall be entitled to recover a sum equivalent to the price, which he may have advanced for the same, viz. the specified amount of the stampd paper, or other material aforesaid, with a deduction of the discount that may have been allowed on it.

Penalty for stamping paper brought by individuals without due certificate.

Also for granting a certificate without full receipt of duty.

*Sixth.* If any superintendent or other officer shall fix or impress any stamp to or upon any vellum, parchment, paper, or other material, which shall be brought to the stamp office to be stampd or marked, without a regular certificate from the collector of the amount of duty having been paid, or without special authority in writing from the Board of Revenue, he shall for every such offence forfeit the sum of one thousand rupees. In like manner, if any collector, or other officer appointed to receive the stamp duty, shall grant a certificate of the above description, before the prescribed duty, with a deduction of the authorized discount, shall have been actually paid, such officer shall forfeit for every such offence the sum of one thousand rupees, besides being held responsible for the amount duty unrealized.

Penalty for procuring a stamp to be improperly impressed or certificate granted.

*Seventh.* Any native officer or other person causing or procuring any stamp to be fixed or impressed, or any certificate to be granted in the manner aforesaid, or conniving with the officer so fixing or impressing any stamp, or so granting a certificate, shall forfeit for every such offence the sum of rupees one thousand, and shall in addition be held answerable for the amount of the duty leviable on the paper mentioned in the certificate.

Stamps accidentally destroyed how to be replaced.

**XVI. First.** Should it so happen that any parcel of papers, parchments, vellums, or the like, or any single sheet or piece thereof, that may have been duly stampd and obtained from a licensed vender of stamps or other officer authorized to sell or distribute stampd paper, shall have been destroyed by fire or other accident, it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, upon its being proved to the satisfaction of such authority, that the said stamps were duly received and subsequently were destroyed by accident, after the manner asserted, to cause their secretary, on the payment of a fee of two sicca rupees by the owner of the paper or other material destroyed, or his representative, to deliver to him the same number of pieces of stampd paper, and of the same value as that which may have been destroyed.

Also soiled or spoiled stamps.

*Second.* In like manner in case any stampd paper, parchment, vellum, or the like, after having been obtained in the regular manner, shall have become soiled, spoiled, or unfit for use, either by consequence of any accident happening to the same, or because of error in the

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drawing up or copying of any instrument thereupon, which being discovered before such instrument may be finally signed and executed, shall render the writing of no avail, or in which by reason of the death or refusal of the party or parties, whose signature may be necessary to effect the transaction intended by such writing, it should be incomplete and of no avail, or in which, by the refusal of any office or trust that may be granted by such instrument, it shall fail of the purpose intended, or in the case of promissory notes, bills of exchange, or the like, if by non-delivery to the payee, or person acting on his behalf, or other cause, they shall never be brought to use; in all such cases it shall be competent to the Board of Revenue or other authority aforesaid, upon delivery being made of the stamp paper, parchment, vellum, or the like, so soiled or spoiled, to cause an equivalent quantity of stamp paper to be delivered as above provided, to the owner of the article or articles so soiled or spoiled, or to his representative, on the payment of a fee of two rupees. But this rule shall not extend to bills of exchange drawn in sets, of which any one of the set may have been delivered to the payee.

**Third.** The owners of stamp paper which may be destroyed or soiled as aforesaid, may prefer their application to the collector of the district in which they may have purchased it, and if the collector shall be of opinion, that the application ought to be complied with, he shall transmit a report of the case to the Board of Revenue, or other authority exercising the powers of that Board, to which he may be subject, and the Board or other authority shall be authorized to direct the collector to deliver to the party or his representative, stamp paper equivalent to that which may have been destroyed or soiled, in the same manner and subject to the same conditions as above prescribed.

Application in such cases how to be preferred by the owner of the stamps.

**Fourth.** Provided however, that no such indulgence shall be granted by authority of the Board of Revenue, or other authority aforesaid, except the total value of stamps proved to have been destroyed or soiled by accident, or the total value of every single stamp, in the case of the material having been spoiled by being written upon, shall amount to, or exceed, the sum of ten sicca rupees, and proof shall be exhibited to the satisfaction of the Board, or other authority aforesaid, that the accident or act, by reason of which the material may have become soiled, or spoiled, or destroyed, or useless, occurred within the period of six weeks antecedent to the date on which application may be made for the renewal of it.

Restriction of above provision to cases in which the stamp or stamps destroyed or spoiled may exceed ten Rs. in value.

**XVII.** It shall and may be lawful for the Board of Revenue, or other authority exercising the powers of that Board, the superintendent of stamps, and the collectors or other officers vested with the charge of offices established for the sale and distribution of stamps, to summon witnesses, to administer oaths and affirmations, and to take affidavits and affirmations with the same powers and authority in regard to resistance or disobedience of their orders in this behalf, and to contempts as belong to the *zillah* and city judges, in all cases where he or they shall respectively think it necessary to administer or take an oath or oaths, or affirmation or affirmations, in any investigation or inquiry into any case relating to the stamp revenue, or in any matter or thing connected therewith; and any person giving intentionally and deliberately a false deposition on oath or solemn affirmation, when examined by the Board, or other authority, superintendent, collector, or other officer aforesaid, shall be held and considered guilty of perjury, and shall be liable, on conviction before a court of circuit, to the penalties which are or may be prescribed for that offence; and the *zillah* and city judges shall give effect to all orders passed by the Board or collectors, under the authority hereinbefore vested in them, for the confinement in the *dewanny* jail of persons who may refuse to swear, or to give evidence when legally required to do so, or who may be guilty of contempt.

Limitation to time of application.

Board, collectors, and superintendent of stamps, authorized to administer oaths.

**XVIII.** All persons appointed by the Board of Revenue, or other authority exercising the powers of that Board, to be venders or distributors of stamps, shall verify by affidavit or affirmation their respective accounts, whenever they may be required by the Board or other authority aforesaid, to do so; and if any vender or distributor shall refuse or neglect to verify his accounts within such reasonable time as he shall be called upon to do so, by the said Board or any member thereof, he shall for every such offence forfeit the sum of rupees five hundred.

Venders to verify accounts on oaths when required.

**XIX.** *First.* So much of Regulation X. 1814, as prescribes, that engagements between Government and individuals for the provision of the Honorable Company's investment, may be written on unstamp paper, is hereby rescinded.

Modification of Regulation X. 1814.

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Instruments and writings relating to matters of, or belonging to, the commercial department, to be written on stamp paper of the same value as is prescribed for individuals.

**Second.** All such engagements, and generally all deeds, instruments, and writings, chargeable with a stamp duty, which may be executed by, or to, any officer of Government, in the commercial department, or on account of any commercial concern of, or belonging to, the Honorable Company, shall be written on stamp paper, of the same value as is or may be prescribed for the like deeds or instruments in the case of private individuals.

## No. 1.

**SCHEDULE** referred to in the body of the regulation, containing the duties chargeable on instruments of conveyance, contract, obligation, and security for money, and on deeds in general.

Sa. Rs. As.

Agreement, or any minute or memorandum of an agreement, concerning any matter or thing of the value of 500 rupees, or upwards, not otherwise charged in this schedule, nor expressly exempted from all stamp duty, whether the same be only evidence of a contract, or obligatory upon the party, ..

## EXEMPTIONS.

Memorandum of agreement, for the hire of labour.

Ditto for the sale of goods, under the value of 500 rupees, and all agreements carried on by letter and the like between merchants and other persons, residing 40 miles from each other.

Assignments, if not of the nature specified under the heads of conveyances and settlements, nor specially exempted, ..

Bills of exchange, drafts, promissory notes, *hoondies*, *leaps*, *burats*, or other order or obligation for the payment of money payable (if payable within the provinces subordinate to the presidency) at sight, or at any stated period not exceeding three months after date, or ninety days after sight, (not being a deed, instrument, or writing, bearing the attestation of one or more witnesses,) together with all bills of exchange payable out of the said provinces at whatever date.

If for a sum of money, not exceeding.....	25 Rupees,	0	1
Above.....	50 ditto,	0	2
Ditto 50 do. ditto ..	100 ditto,	0	4
Ditto 100 do. ditto ..	200 ditto,	0	8
Ditto 200 do. ditto ..	400 ditto,	0	12
Ditto 400 do. ditto ..	800 ditto,	1	0
Ditto 800 do. ditto ..	1,600 ditto,	1	8
Ditto 1,600 do. ditto ..	3,000 ditto,	2	0
Ditto 3,000 do. ditto ..	5,000 ditto,	2	8
Ditto 5,000 do. ditto ..	10,000 ditto,	4	0
Ditto 10,000 do. ditto ..	20,000 ditto,	6	0
Ditto 20,000 do. ditto ..	30,000 ditto,	8	0
Ditto 30,000 do. ditto ..	50,000 ditto,	12	0
Ditto 50,000 do. ditto ..	100,000 ditto,	16	0
Ditto 100,000 do. ....	.....	20	0

Promissory notes, written on paper of the above value, shall not be re-issued after payment. Promissory notes intended to be re-issued shall be charged as follows:

If for a sum of money, not exceeding .....	25 Rupees,	0	2
Above.....	50 ditto,	0	4
Ditto 50 do. ditto ..	100 ditto,	0	8
Ditto 100 do. ditto ..	200 ditto,	0	12
Ditto 200 do. ditto ..	400 ditto,	1	0
Ditto 400 do. ditto ..	800 ditto,	1	8
Ditto 800 do. ditto ..	1,600 ditto,	2	0
Ditto 1,600 do. ditto ..	3,000 ditto,	2	8
Ditto 3,000 do. ditto ..	5,000 ditto,	4	0
Ditto 5,000 do. ditto ..	10,000 ditto,	6	0
Ditto 10,000 do. ditto ..	20,000 ditto,	8	0
Ditto 20,000 do. ditto ..	30,000 ditto,	12	0
Ditto 30,000 do. ditto ..	50,000 ditto,	16	0
Ditto 50,000 do. ditto ..	100,000 ditto,	20	0
Ditto 100,000 do. ....	.....	32	0

**Note.** The Governor General in Council reserves to himself the power of admitting any bank or company, to compound for the stamp duty, chargeable on the notes issued by it. Notice of such arrangements to be given in the Government Gazette.

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Foreign bills of exchange, drawn in sets, for every bill of each set, where the sum made payable thereby may not exceed four hundred rupees.						Rs.	As.
More than	400 Rupees, but not exceeding	800 Rupees,	...	...	...	0	8
Ditto ...	800 do.	ditto	1,600 do.	...	...	0	12
Ditto ...	1,600 do.	ditto	3,000 do.	...	...	1	0
Ditto ...	3,000 do.	ditto	5,000 do.	...	...	1	8
Ditto ...	5,000 do.	ditto	10,000 do.	...	...	2	0
Ditto ...	10,000 do.	ditto	20,000 do.	...	...	2	8
Ditto ...	20,000 do.	ditto	30,000 do.	...	...	4	0
Ditto ...	30,000 do.	ditto	50,000 do.	...	...	6	0
Exceeding	50,000 do.	...	...	...	...	8	0
						12	0

## EXEMPTIONS.

Bills of exchange drawn, and promissory notes issued by Government officers, having authority to draw bills upon the Government treasuries, or to issue promissory notes or other acknowledgments on account of Government.

All drafts or orders, for the payment of any sum of money, to the bearer on demand, drawn upon any bank, banker, or agent, residing within 20 miles of the place, where such draft or order shall be issued; such place being specified on the face of the draft.

BILLS OF LADING of, or for any goods to be exported, ... 1 0

## BILLS OF SALE.

An absolute bill of sale, ... See Conveyances.

Bill of sale as a security, being the principal, or only deed whereby the property is conveyed, ... See Mortgage.

Bill of sale as a security, being merely a collateral one, with some deed or instrument that has paid the *ad valorem* duty prescribed for conveyances, ... 8 0

BONDS, *tumusoos*, or other deed or instrument, or other written obligation for the payment of money, bearing the attestation of one or more witnesses, promissory notes or other obligations as aforesaid, payable at a period exceeding three months after date, or ninety days after sight.

If for any sum not exceeding	...	20 Rupees,	...	0	2
Above ... 25 Rupees, and not exceed	...	50 ditto,	...	0	4
Ditto 50 do.	ditto	100 ditto,	...	0	8
Ditto 100 do.	ditto	200 ditto,	...	1	0
Ditto 200 do.	ditto	300 ditto,	...	2	0
Ditto 300 do.	ditto	500 ditto,	...	4	0
Ditto 500 do.	ditto	1,000 ditto,	...	6	0
Ditto 1,000 do.	ditto	2,000 ditto,	...	10	0
Ditto 2,000 do.	ditto	3,000 ditto,	...	16	0
Ditto 3,000 do.	ditto	5,000 ditto,	...	20	0
Ditto 5,000 do.	ditto	10,000 ditto,	...	32	0
Ditto 10,000 do.	ditto	20,000 ditto,	...	40	0
Ditto 20,000 do.	ditto	30,000 ditto,	...	50	0
Ditto 30,000 do.	ditto	50,000 ditto,	...	64	0
Ditto 50,000 do.	ditto	75,000 ditto,	...	70	0
Ditto 75,000 do.	ditto	100,000 ditto,	...	80	0
Ditto 100,000 do.	ditto	150,000 ditto,	...	100	0
Ditto 150,000 do.	ditto	200,000 ditto,	...	120	0
Ditto 200,000 do.	...	...	...	150	0

Bonds concerning respondentia and bottomry,

...Ad valorem as above.

Bonds given as security for the transfer of Government securities, or for the payment of an annuity for a fixed period, or for the delivery or accounting for any matter or thing capable of being valued,

Shall be charged at the rate of the amount engaged to be paid or accounted for, or at the value of the thing to be delivered, or transferred.

Bonds for annuities for an indefinite period, such as life annuities and the like,

Shall be charged at the rate of 10 times the yearly payment.

Bonds where the amount of the money to be secured, or ultimately recovered, shall be uncertain and unlimited,

... 150 0

Where the amount is limited to a certain sum,

... The same as on a bond for such limited sum.

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Bonds taken as collateral security, with some deed or instrument that has paid the *ad valorem* duty prescribed for conveyances or money bonds, or as security for the performance of any other contract, covenant, or agreement, not being for the payment of money, the transfer of property, or the satisfaction of any pecuniary demand, ...  
 Bonds of indemnity, ...  
 Bonds for the due execution of an office or work, and all other bonds not otherwise charged or exempted from duty, ...

Rs.

## EXEMPTIONS.

Arbitration bonds.

Bonds given to or by the officers of Government, on account of any matter, or any thing of, or belonging to the Government in its political or territorial capacity.

Security bonds, which may be taken by, or by order of any court, collector, or other judicial or revenue authority, *rascenamahs*, *sooluhnamahs*, and *ruffanamahs*, filed in suit pending in a court of justice, shall be charged, as prescribed in the regulations already in force or hereafter to be enacted.

CHARTER PARTIES, or any agreement or contract for the charter of any ship or vessel, or any memorandum, letter, or other writing between the captain, master, or owner of any ship or vessel, and any other person for, or relating to, the freight or conveyance of any money, goods, or effects, on board of such ship or vessel, ...

## EXEMPTIONS.

Charter parties of ships or vessels taken up by Government for the conveyance of troops or military stores, or for other political purposes.

CONTRACTS, or deeds, if not otherwise charged nor exempted from duty, ...

COPARTNERSHIP, deeds of, ...

COMPOSITION deeds, or other instruments of composition between a debtor or debtors, and his, her, or their creditors, ...

CONVEYANCES, whether grant, disposition, assignment, transfer, renunciation, or of any other kind or description whatsoever upon the sale of any lands, tenements, rents, annuities, or other property, real or personal, heritable or moveable, or of any right, title, interest, or claims in, to, out of, or upon any lands, houses, rents, annuities, or other property, that is to say, for or in respect of the principal or only deed, instrument, or writing whereby the property sold shall be conveyed to or otherwise vested in the purchaser or purchasers, or to some other person, by his or their direction.

Where the purchase or consideration money therein expressed or denoted shall not exceed

				50 Rupees, ...		0	
Above	50 Rupees, and not exceeding	100	ditto, ...	100	ditto, ...	1	0
Ditto	100 do. ditto ...	200	ditto, ...	200	ditto, ...	2	0
Ditto	200 do. ditto ...	500	ditto, ...	500	ditto, ...	4	0
Ditto	500 do. ditto ...	1,000	ditto, ...	1,000	ditto, ...	8	0
Ditto	1,000 do. ditto ...	2,000	ditto, ...	2,000	ditto, ...	12	0
Ditto	2,000 do. ditto ...	3,000	ditto, ...	3,000	ditto, ...	16	0
Ditto	3,000 do. ditto ...	5,000	ditto, ...	5,000	ditto, ...	20	0
Ditto	5,000 do. ditto ...	8,000	ditto, ...	8,000	ditto, ...	32	0
Ditto	8,000 do. ditto ...	12,000	ditto, ...	12,000	ditto, ...	40	0
Ditto	12,000 do. ditto ...	20,000	ditto, ...	20,000	ditto, ...	50	0
Ditto	20,000 do. ditto ...	30,000	ditto, ...	30,000	ditto, ...	64	0
Ditto	30,000 do. ditto ...	50,000	ditto, ...	50,000	ditto, ...	80	0
Ditto	50,000 do. ditto ...	1,00,000	ditto, ...	1,00,000	ditto, ...	100	0
Ditto	1,00,000 do. ditto ...	2,00,000	ditto, ...	2,00,000	ditto, ...	150	0
and for every further lack of rupees beyond 2 lacks,						100	0

Note. Where, of several deeds, instruments, or writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed, and to engross the same on paper, parchment, vellum, or the like, stamp for the prescribed *ad valorem* duty; provided however, that in all cases where there are more deeds than one, all other deeds than the principal shall be charged with a stamp duty of 8 rupees, and all such deeds shall specify by their contents which other is the principal deed by which the conveyance has been effected, certifying that it is executed in the manner and on material stamp as required.

## EXEMPTIONS.

All grants, leases, sales, or the like, wherein Government in its political or territorial capacity is a party.

Note. This exemption shall not extend to sales made for the recovery of arrears of revenue or rent, or in satisfaction of decrees of court, in which cases the purchaser shall be required to pay the prescribed duty along with the purchase money, and shall receive, from the officer conducting the sale, a deed of sale executed on paper impressed with a corresponding stamp.

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All transfers of subscriptions to any of the Government loans or other Government securities ; also of bank shares.

**Copies.** Copy in any manner authenticated or declared to be a true copy, or made for the purpose of being given in evidence as a true copy of any bond, deed, or instrument of agreement, contract, conveyance, or of any deed or instrument whatsoever chargeable with a stamp duty.

Where such copy shall be made for the security or use of any person being a party to, or taking any benefit, or interest immediately under such agreement, contract, bond, deed, or other instrument,

{ The same duty, as for the original instrument.

Where such copy shall be made for the security or use of any person not being a party to, or taking any benefit or interest immediately under such agreement, contract bond, deed, or other instrument, ...

8 0

Likewise any copy authenticated, or made as aforesaid, of any schedule, receipt, or other matter put or endorsed on, or annexed to any such agreement, contract, bond, deed, or other instrument aforesaid, ...

8 0

## EXEMPTIONS.

Copies made for the private use only of any person having the custody of the original instrument, or of his, or her attorney or solicitor.

Copies of papers, which public officers are directed by any general regulation, to make, require, or furnish, not specially declared chargeable with stamp duty.

Note. Copies of records, accounts, or other documents required by individuals from the public offices, not especially charged with or exempted from duty, together with copies of decrees and proceedings of the courts of judicature shall be charged in the manner, and subject to the conditions prescribed in Section 19, Regulation I. 1814, and other provisions of the existing regulations.

**DEEDS**, of any kind, not otherwise particularized in this schedule, ...

8 0

**EXCHANGES.** Any deed whereby any real property shall be conveyed or surrendered in exchange for other property.

If no sum of money shall be paid, or agreed to be paid for equality of exchange, ...

8 0

And if any sum of money be paid, or agreed to be paid for equality of exchange,

{ The same ad valorem duty as for a conveyance for such sum.

**ENGAGEMENTS** to cultivate, provide, or deliver indigo plant, or to produce, manufacture, provide, or deliver any other article of commerce, in consideration of advances made,

{ Shall be charged on the amount advanced at the rate of bonds, or other obligations for the payment of money payable at a period exceeding three months after date.

**LEASES.** Any lease made in perpetuity, or for a term of years or period, determinable with one or more lives, or otherwise contingent in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent,

{ The same duty as for a conveyance, or sale for a sum of the amount of such consideration.

Any lease of lands, houses, or other real property, at a yearly rent, without any payment of any sum of money, by way of fine or premium. ...

Where the yearly rent shall exceed twelve rupees, but shall not exceed twenty four rupees, ...

0 8

Exceeding 24 Rupees, but not exceeding

50 Rupees,

Ditto 50 do. ditto,

100 ditto,

Ditto 100 do. ditto,

250 ditto,

Ditto 250 do. ditto,

500 ditto,

Ditto 500 do. ditto,

1,000 ditto,

Ditto 1,000 do. ditto,

2,000 ditto,

Ditto 2,000 do. ditto,

4,000 ditto,

Ditto 4,000 do. ditto,

6,000 ditto,

Ditto 6,000 do. ditto,

10,000 ditto,

Ditto 10,000 do. ditto,

50,000 ditto,

Above 50,000 do. ditto,

80 8

Any lease of lands, houses, or other real property, stipulating for a yearly rent, and granted in consideration of a fine or premium, ...

{ Shall be charged with both ad valorem duties above provided.



# A. D. 1824. REGULATION XVI.

The counterpart of any lease charged with a duty exceeding eight rupees, shall likewise be executed on paper, vellum, or parchment bearing a stamp of, ...

## EXEMPTIONS.

All leases or *pottahs*, when the annual rent shall not exceed twelve rupees.

All leases or *pottahs* given by authority of Government or of the Board of Revenue, or other authority exercising the powers of that Board, and of the court of wards; *pottahs*, *coboolahs*, and other instruments of contract relating to the rent of land executed between any *zemindar*, *talookdar*, farmer, or other *sudder malgusar*, or any holder or proprietor of land, exempt from the payment of revenue, or any *mofussil talookdar*, *ijaradar*, *kutkenadar*, or other leaseholder, or the *gomastha*, factor, or other agent of such *zemindar* or other person aforesaid on the one part, and a *ryot* or other actual cultivator on the other, for the land tilled by him.

Note. All leases, *pottahs*, *coboolahs*, or other similar instruments of contract between *semin-dars*, *talookdars*, or other holders or proprietors of land, whether subject to the payment of revenue to Government or otherwise, farmers, *kutkenadars*, *ijaradars*, or other tenants, and any other *talookdar*, *kutkenadar*, *ijaradar*, or other leaseholder, intermediate between the *ryots* or actual cultivators, and the *sudder malgusar* or *lakherajdar*, shall be written on stamp paper of the value above prescribed.

LETTERS or powers of attorney or commission or factory in the nature thereof.

Powers to perform any one special, that is to say, particular act, or the acts connected with one particular suit, case, or transaction, or sundry acts to be done, after a manner specified in the instrument, ...

General, ...

## EXEMPTIONS.

*Vakalatnamahs* executed to regular pleaders of the Sudder Dewanny Adawlut, or any of the subordinate courts of judicature, authorizing them to prosecute or defend suits therein pending, or to present or make any miscellaneous petition, application, or motion to the court, which shall be charged according to Regulation I. 1814.

*Moktarnamahs*, executed by native officers and soldiers, belonging to the regular corps on the military establishment of the presidency of Fort William.

LETTERS OF LICENSE from creditors to debtors, ...

MORTGAGES. Any deed of mortgage or conditional sale, with or without possession given of any lands, estate, or property real or personal, intended as a security for money due or to be lent thereupon; also any deed, or contract, accompanied with a deposit of title deeds to any property, where the same may be made as a security for payment of money due or lent at the time.

Shall be charged after the same manner and at the same rates as if, in lieu of such deed of mortgage or the like, a bond had been taken for the sum due or lent at the time.

Deeds of mortgage or the like, given as security for the transfer of Government securities, or for the payment of an annuity for a fixed period, or for the delivery at a future date of any matter or thing capable of being valued.

Shall be charged at the rate of the total amount assured, or of the bona fide value,

Deeds of mortgage given for the security of annuities for an indefinite period, such as life annuities and the like.

Shall be charged at the rate of 10 times the annual payment.

Where the total amount secured by such mortgage is unlimited, ...

Where it may be stipulated, that the amount secured by such mortgage shall not exceed a certain sum, ...

150 0  
At the rate of such limitation.

Note. Where a bond may have been already taken for the amount secured, or where from any other cause the mortgage shall act merely as collateral security to some other transaction, already charged with the *ad valorem* duty thereupon, the same being specified in the body of the deed of mortgage, ...

Likewise in case of there being more deeds than one required, to execute the mortgage in the manner desired by the parties, the principal deed only shall be charged with the *ad valorem* duty, and all other deeds connected with the same transaction, ...

Acknowledgments or promissory notes granted to the treasurer or other officer of the Bank of Bengal, on account of the bank, or to any private banker or agent for loans or advances made on the deposit of Government securities, bullion, plate, jewels, or other goods, and payable within three months after date, shall be charged as promissory notes. If payable at a date exceeding three months, shall be charged as deeds of mortgage.

# A. D. 1824. REGULATION XVI.

## EXEMPTION.

Mortgages, to which Government in its political or territorial capacity, or the officers of Government acting for the Government in matters relating to its political or territorial concerns, are parties.

**PARTITION.** Any deed of partition of real or personal property adjusted by mutual agreement amongst coheirs, coparceners, or the like, ...

Rs. As.  
8 0

The principal deed stipulating for such payment shall be charged with the ad valorem duty prescribed for a conveyance or sale for an equal sum.

And if any sum or sums of money shall be paid or agreed to be paid for equality of partition, ...

On partition of estates made by collectors of land revenue, whether on application of the parties, or any of them, or in execution of a decree of court, if the value of the portion allotted to each sharer shall exceed 800 rupees, a stamp duty of the above amount shall be charged on each copy of the paper of partition, or other title deed, which may be taken out by any of the parties after the partition shall have been approved by the Revenue Board.

Where the portion of each sharer shall not exceed 800 rupees, the following rate of duty shall be chargeable:

If the value of each portion shall not exceed...	100 Rupees,	...	0	8
More than 100 Rupees, but not exceeding ...	200 ditto,	...	1	0
Ditto 200 do. ditto ...	400 ditto,	...	2	0
Ditto 400 do. ditto ...	600 ditto,	...	4	0
Ditto 600 do. ditto ...	800 ditto,	...	6	0

**POLICY OF ASSURANCE** or insurance, or other instrument, by whatever name the same shall be called, whereby an insurance shall be made upon any life or lives, or upon an event depending upon any life or lives.

Where the sum insured shall not exceed	...	...	Sa. Rs. 5,000	4	0
Exceeding 5,000 Rupees, but not exceeding	...	...	10,000	8	0
Ditto 10,000 do. ditto, ...	...	...	20,000	12	0
Ditto 20,000 do. ditto, ...	...	...	50,000	16	0
Above 50,000 ...	...	...	...	20	0

Policy of insurance of any ship, vessel, sloop, lighter, boat, or the like, any goods or property on board, or upon the freight of any ship, vessel, sloop, lighter, boat, or the like, or upon any other interest relating thereto, or upon any voyage where the premium shall not exceed 2 per cent. on the sum insured, if the whole sum insured shall not exceed 1,000 rupees, ...

If the sum insured exceed 1,000 rupees, then for every 1,000 rupees, and also for any fractional part of 1,000 rupees, whereof the same shall consist, ...

Where the premium shall exceed 2 per cent. on the sum insured, if the whole sum shall not exceed 1,000 rupees, ...

If the sum insured exceeds 1,000 rupees, then for every 1,000 rupees, and also for any fractional part of 1,000 rupees, whereof the same shall consist, ...

**PROMISSORY NOTES.** Payable to the bearer on demand, at sight, or at any stated period, not exceeding three months after date, or 90 days after sight, ...

**Promissory notes.** Payable at a period exceeding three months after date, or 90 days after sight, ...

**Promissory notes.** For the payment of any sum by instalments, or for the payment of several sums at different dates, so that the whole of the money to be paid shall be definite and certain, ...

See Bills of exchange.

See Bonds.

The same duty as would be chargeable on a bond for the whole amount.

All receipts for money deposited in any bank, or in the hands of any banker or agent, if the same shall stipulate for the payment of interest upon the money so deposited, or in hand, shall be deemed and taken to be promissory notes.

**RECEIPTS OR DISCHARGES** given for, or upon the payment of any sum of money not exceeding thirty-two rupees, ...

Exceeding	32 Rupees, not exceeding	100 Rupees,	...	0	1
Ditto 100 do. ditto	200 do.	...	...	0	2
Ditto 200 do. ditto	500 do.	...	...	0	4
Ditto 500 do. ditto	1,000 do.	...	...	0	8
Ditto 1,000 do. ditto	2,000 do.	...	...	0	12
Ditto 2,000 do. ditto	3,000 do.	...	...	1	0
Ditto 3,000 do. ditto	5,000 do.	...	...	1	8
Ditto 5,000 do. ditto	8,000 do.	...	...	2	0
Above	8,000 do.	...	...	2	8
Also for a receipt in full of all demands,	...	...	...	4	0

## A. D. 1824. REGULATION XVI.

And any instrument, note, memorandum, or writing, given upon the payment of money, whereby any money, debt, or demand, or the part thereof therein specified shall be expressed or acknowledged to have been paid, settled, or otherwise satisfied, shall be deemed to be a receipt for the amount so declared to be paid or satisfied.

And if any such instrument or other writing shall contain a general acknowledgment of the settlement of debts, accounts, or other demands, without specifying the amount thereof, such instrument or writing shall be deemed and taken to be a receipt in full of all demands, and charged accordingly.

And if payment be made by delivery of a bill or bills of exchange, draft, or drafts, promissory notes, or the like securities of money, the receipt or acknowledgment given thereupon shall be deemed to be a receipt within the meaning of this schedule.

### EXEMPTIONS.

Receipts for money paid or received by any officer of Government on account of Government.

Receipts or discharges for the rent of land granted by any *zemindar*, *talookdar*, farmer, or other *malguzar*, or by any holder or proprietor of land, held exempt from the payment of revenue, or by any *mofussil talookdar*, *ijaradar*, *kutkenadar*, or other leaseholder, or by the *gomashlu*, factor, or other agent of such *zemindar*, or other person aforesaid, to a *ryot* or other actual cultivator for the rent of land tilled by him.

Note. Receipts or discharges granted by any *zemindar*, *talookdar*, or other holder or proprietor of land, or by any farmer, *kutkenadar*, *ijaradar*, or other tenant to any other *talookdar*, *kutkenadar*, *ijaradar*, or other leaseholder intermediate between the *ryots* or actual cultivators, and the *sudder malguzar* or *takherajdar*, shall be written on stamp paper of the value above prescribed.

Receipts or discharges given for the purchase money of any Government securities or shares of the Bank of Bengal.

Receipts and discharges given for money deposited in any bank, or with any agent, to be accounted for on demand, provided no interest be stipulated as payable thereon. If interest be stipulated, such receipt shall be chargeable as a promissory note.

Receipts or discharges written upon promissory notes, bills of exchange, drafts, or orders for the payment of money duly stampd.

Letters by the post acknowledging the arrival of any promissory notes, bills of exchange, or other securities for money.

Receipts or discharges written upon or contained in any bond, mortgage, or other security, or any conveyance, deed, or other instrument duly stampd, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured.

**SETTLEMENTS.** Any deed or instrument whereby any sum or sums of money, or any Government securities, or other property, real or personal, shall be settled or agreed to be settled upon, or for the benefit of any person or persons in any manner whatsoever.

Shall be charged with the ad valorem duty chargeable for a bond for the amount or value settled, or agreed to be settled: or, in cases in which the value shall be indeterminate, at the rate of 100 rupees.

Deeds of gift and dower, whether to take effect on the instant or at a future period, determinate or indeterminate, shall be charged as deeds of settlement.

### EXEMPTIONS.

Wills, testaments, and the like, together with deeds merely declaratory of trust pursuant to any previous settlements, deed, or will.

### GENERAL EXEMPTIONS.

Deeds, instruments, and writings of any kind, in which Government or any Board, commission, court, or public officer, may, in a public capacity, be a party, save and except deeds, instruments, and writings, relating to matters of or belonging to the commercial department, shall not be chargeable with any stamp duty.

## No. 2.

### Form of License to be granted.

Whereas A. B. has duly executed the engagement required by clause ——— Section ——— Regulation ——— 1820, to be executed by persons authorized to sell stamps as hereunto annexed, and has given sufficient security for the performance of the same, I, C. D. collector of ——— do hereby authorize the said A. B. to be a stamp vender, and to open an office for the sale of stamps at ——— in per-

## A. D. 1824. REGULATION XVI.

*gunnah* ——— in the district under my charge. Let him carefully and faithfully execute the several stipulations into which he has entered.

Given under my hand and seal this ——— day of ———

(Signed) C. D.  
Collector.

Copy of engagement entered into by A. B., and referred to in the above license.

(Here enter engagement.)

(A true copy,)

(Signed) C. D.  
Collector.

### No. 3.

#### Form of Engagement to be executed by Persons appointed to the Office of Stamp Vender.

- I, A. B. appointed to vend stamps at C ———, in the *pergunnah* of D ———, in the district of E ———, do hereby engage faithfully to observe the following conditions.
- 1st. That I will carefully examine every stamp paper which may be intrusted or delivered to me for sale, and certify in my receipts for the same, that such paper bears the stamp of Government, and the signature of the superintendent or his assistant, in all cases in which such signature is required.
  - 2d. That I will not charge more for any stamp or stamps intrusted or delivered to me for sale, than the established price for such stamp or stamps.
  - 3d. That I will not in any case sell or deliver any stamp or stamps, without havin gpreviously received the full established price of the same.
  - 4th. That I will monthly prepare and deliver to the stamp *darogah*, or such persons as may be authorized to receive the same, a faithful account of all the stamp paper which may be sold by me, and will likewise specify the balance which may remain in store under my charge.
  - 5th. That I will faithfully and regularly pay into the public treasury, the amount received by me on the sale of stamps delivered to me, to be disposed of on account of Government, at such periods as may be directed ; and will carefully preserve all papers so intrusted to me whilst they remain in my custody, being at all times ready to deliver up to the collector all that I may not sell.
  - 6th. That I will monthly prepare a faithful account of all the stamp paper which may be delivered to me, specifying the quantity and value of the paper sold in each month, and the balance which may remain in store at the expiration of it, in such manner as may be directed. The said account I will monthly deliver to the stamp *darogah*, or such person as may be authorized to receive it, at such period as may be fixed for that purpose.
- I will, moreover, at all times obey any orders which may be issued from the *huzoor* for the delivery or exhibition of my accounts, and the balance of any stamp paper or cash belonging to Government, together with all *sunnuds*, *perwannahs*, or other documents which may be in my possession.
- Whenever I may sell or deliver stamp paper to any one, I will carefully and truly certify the sale or delivery, and the date thereof on the back of each sheet of paper sold or delivered, with any further particulars that may be specially directed, and I will attest the endorsement with my signature.
- I will at all times have my license, with the table of stamp duties, which I have received from the *huzoor*, stuck up in a conspicuous place in the *cutcherree*-room, or other place in which I may sell stamps, and carefully obey any further directions I may receive from the *huzoor* in respect to the public notification of the trust now vested in me.
- I will at all times furnish persons applying for stamp paper with the paper required by them, without any unnecessary delay. If any one shall apply to me for paper of a description not in my possession, I shall without loss of time represent the circumstance to the *huzoor*. I will use all my endeavours to promote the sale of stamp paper, and to explain to my neighbours the orders of Government on the subject.



# A. D. 1825. REGULATION I.

A REGULATION for declaring the judicial Officers, competent to superintend the Execution of their own Process in certain Cases, and for extending to Officers intrusted with the Execution of a Magistrate's Warrant, or other criminal Process, the Powers vested in Police Officers, by certain Provisions in Regulation XX. 1817.—PASSED by the Governor General in Council, on the 13th January 1825; corresponding with the 2d Maug 1231 Bengal era; the 9th Maug 1232 Fussily; the 3d Maug 1232, Willaity; the 9th Maug 1881 Sumbut; and the 22d Jummadi-ul-Awal 1240 Higeree.

**W**HEREAS doubts have been entertained whether a judge, magistrate, or other European public officer, authorized to issue process of arrest, or other judicial process, is, under any circumstances, competent to attend in person, the execution of such process; as well as whether the officers charged with the execution of a warrant, bearing the seal and signature of a magistrate, in criminal cases, are competent to exercise the powers vested in officers of the police, charged with the execution of a warrant of arrest, issued by a police *darogah*, or other police officer, under the provisions of Section 25, Regulation XX. 1817; and it is desirable that all ground of doubt, as to the legal powers of the public officers, in such cases, should be removed by an express enactment, on the points referred to; the Governor General in Council has passed the following rules, to be in force, as soon as promulgated, throughout the provinces immediately subject to the presidency of Fort William.

Preamble.

II. Whenever the judge or register of a civil court, or a magistrate or joint magistrate, or any other European public officer, authorized by the regulations in force to issue process of arrest, or other judicial process, civil or criminal, upon the person or property of individuals, amenable to their respective jurisdictions, may, for any special reason, deem it necessary to be personally present at the execution of such process; and to see that the same be duly executed, in the manner prescribed by the regulations; it shall be competent to the public officer, who may have issued the process, to attend personally for the purpose above mentioned; and to adopt or direct any legal measures that may be necessary for the due execution thereof.

Judicial European officers empowered to superintend in person the execution of their own process, and to adopt such legal measures on the occasion as may appear necessary.

III. *First.* The powers vested in officers of police, by the fifth and sixth clauses of Section 25, Regulation XX. 1817, or by any other regulation in force, for the service and execution of warrants, or other process of arrest, in serious criminal cases, under the seal and signature of a police *darogah*, or other officer of the police, shall be held equally applicable to all officers intrusted with the execution of a warrant, or other process of arrest, in criminal cases, bearing the seal and signature of a magistrate, joint magistrate, or any public officer empowered to act as magistrate, whether the person to whom the warrant is addressed be an officer of the police, or otherwise.

The powers vested by the existing regulations in police officers, for the service of process under the seal and signature of police *darogahs*, declared applicable to all officers intrusted with the execution of process in criminal cases, under the seal and signature of judicial European officers.

*Second.* The seventh clause of the section above mentioned, whereby it is declared that any wilful abuse and perversion of the powers vested, by the preceding clauses, in the police officers for ends of public justice, will subject them, on conviction before the magistrate, or court of circuit, to exemplary punishment, according to the circumstances of the case, besides immediate dismissal from office, is also hereby made applicable to all persons, whether police officers or others, who may be employed to execute a warrant, or other process of arrest, issued by a magistrate, joint magistrate, or other public officer empowered to act as magistrate; and may be guilty of any wilful abuse and perversion of the powers vested in them by the present regulation.

The punishment prescribed by clause seventh, Section 25, Regulation XX. 1817, in cases of abuse of official duty, declared applicable to all police officers, and others employed to execute a warrant or other process.



## A. D. 1825. REGULATION II.



A REGULATION *for amending the Rules in Force, relative to Applications for a Review of Judgment in regular original Suits and Appeals ; and for restricting the Admission of special or second Appeals, by the provincial Courts, and Court of Sudder Dewanny Adawlut.*—PASSED by the Governor General in Council, on the 24th March 1825 ; corresponding with the 12th Chyite 1231 Bengal era ; the 20th Chyite 1232 Fussily ; the 13th Chyite 1232 Willaity ; the 15th Chyite 188? Sumbut ; and the 3d Shabaan 1240 Higeree.

**W**HEREAS the small expense attending petitions for a review of judgment, in regular original suits and appeals, decided by the *sillah*, city, and provincial courts, or by the court of Sudder Dewanny Adawlut, under the rules prescribed for such applications in Section 4, Regulation XXVI. 1814, has been found to encourage numerous petitions of this description, without sufficient grounds for preferring the same, to the serious hindrance of other business depending before the civil courts above mentioned : and whereas the extension given by the second clause of Section 2, Regulation IX. 1819, to the admission of special or second appeals, by the provincial courts and court of Sudder Dewanny Adawlut, has been productive of a large increase of such appeals ; the numerous petitions for which, whether ultimately rejected or admitted, occupy more time than can be applied to them without impeding the trial and decision of other more important causes ; whilst at the same time, such applications upon insufficient grounds, are encouraged by the indefinite terms of the clause adverted to ; which authorize the admission of a second appeal “ whenever there may appear strong probable ground, from whatever cause, to presume a failure of justice : ” with a view therefore to provide against the continuance of these impediments to the general administration of civil justice in the superior courts, as well as to relieve individuals from the expense of fruitless applications in cases wherein there may be no certain and sufficient grounds for a further appeal in decided causes ; the Governor General in Council, has passed the following amended rules, to be in force from the date of their promulgation throughout the provinces immediately subject to this presidency.

Preamble.

II. *First.* Such part of the second clause of Section 4, Regulation XXVI. 1814, as provides that the petition for a review of judgment, in the cases therein mentioned, shall be written on stamp paper of the value prescribed in Section 18, Regulation I. 1814, shall af-

Such part of the second clause of Section 4, Regulation XXVI. 1814, as directs that petitions for

Whenever the petition for a review of judgment may be presented after that period, it shall be written upon the stamp paper prescribed in Section 13, Regulation I. 1814, with reference to the amount or value of the property adjudged against the party desiring the revision ; in like manner as if a regular appeal were preferred from such judgment ; unless the party desiring the review be a pauper, in which case the provisions relative to pauper appellants, contained in Regulation XXVIII. 1814, shall be held applicable.

*Second.* If the petition for a review of judgment, presented after the promulgation of this regulation, shall be rejected by the court receiving the same, as not containing sufficient

ground for the same, it shall be limited to petitions presented within a specified period.

After which period they are to be written on the stamp paper, prescribed by Section 13, Regulation I. 1814, but in case the petitioner be a pauper, the provisions of Regulation XXVIII. 1814, are declared applicable.



## A. D. 1825. REGULATION II.

Petitioners whose petitions may be rejected, not entitled to receive back the amount of the prescribed stamp paper duty, but the courts empowered, in special cases, to order a refund of any portion not exceeding three-fourths of it.

Courts empowered to impose a proportionate fine, in cases where petitions are found to be groundless or litigious.

Courts after reviewing the case of a petitioner, to pass such orders relative to the stamp duty paid by him as may appear just and equitable.

Additional rules relative to the consideration of petitions for review of judgment in regular original suits and appeals.

Such petitions in all practicable cases, to be received and disposed of by the judge who passed the decision, subject to the regular course of appeal.

Whose restriction however, declared inapplicable to cases where the judge in passing a decision, may have exceeded the powers vested in him.

Rule of proceeding to be observed by the judges in correcting such irregularities.

Clause second, Section 2, Regulation IX. 1819, rescinded.

By what rules the Sudder Dewanny Adawlut and provincial courts are hereafter to be guided in admitting second or special appeals.

The provisions of Regulation XXVIII. 1814, extended to the admission of such second or special appeals in *forma pauperis* as may be hereafter deemed admissible under the rules in force.

cient grounds for the review desired, the petitioner shall not be entitled to receive back the amount of the stamp duty paid for the paper on which the petition may have been written; but in the event of its having been written on the stamp paper prescribed in Section 13, Regulation I. 1814, the court rejecting the petition, is vested with a discretionary authority (as in the case of special appeals, under the fifth clause of Section 2, Regulation XXVI. 1814) in any particular instance, wherein the forfeiture of the entire stamp duty may appear excessive, on due consideration of the circumstances of the case, to order the refund of any portion thereof, not exceeding three-fourths of the total amount, from the public treasury.

*Third.* When the rejected petition may have been written on the stamp paper prescribed in Section 18, Regulation I. 1814, and shall be found, by the court rejecting it, groundless and litigious; so as to merit a fine, in addition to the small stamp duty paid in conformity with that section; the court is authorized and required (as in the case of litigious summary appeals, by the tenth clause of Section 3, Regulation XXVI. 1814) to impose such fine as may be proportionate to the circumstances of the case, and the condition of the party, not exceeding the amount of the stamp duty which would have been payable if the petition had been written on the stamp paper prescribed in Section 13, Regulation I. 1814.

*Fourth.* When the petition for a review of judgment may be admitted, the court reviewing the case, will on deciding it pass such order relative to the stamp duty paid by the petitioner, as may appear just and proper; whether for his reimbursement by the opposite party as part of the costs of suit, or for the refund of any portion of it, not exceeding three-fourths, by Government.

III. In addition to the rules contained in Section 4, of Regulation XXVI. 1814, relative to petitions for a review of judgment in regular original suits and appeals, decided by the *zillah*, city, and provincial courts, or by the court of Sudder Dewanny Adawlut, it is hereby provided that whenever the judge or judges, who may have passed the decree, or if the decree have been passed by two or more judges, when any of such judges shall continue attached to the court, at the time when the petition for a review is received, and shall not be precluded, by absence or other cause, for a period of six months after the receipt of the petition, from considering and recording his order or opinion upon the same, it shall not be competent to any other judge or judges of the same court, to enter upon a consideration of the merits of the petition, and record an order or opinion thereupon, it being the obvious intention of the rules referred to, that application for a review of judgment made in pursuance thereof, should, as far as practicable, be received and disposed of by the judge or judges who may have passed the decision; subject to the regular course of appeal, if the case be appealable to a superior court. Provided however, that this restriction shall not be considered applicable to cases not open to a further appeal, in which a single judge, whether of a provincial court, or of the court of Sudder Dewanny Adawlut, may appear on the face of the decree to have exceeded the powers vested in him by the regulations. In such cases the decree being imperfect and irregular, it shall be competent to a majority of the judges of the provincial court, or of the court of Sudder Dewanny Adawlut, concurring in opinion as to such irregularity, to proceed upon the petition for a review, in the manner prescribed by Section 4, Regulation XXVI. 1814, and by the present regulation.

IV. *First.* The second clause of Section 2, Regulation IX. 1819, whereby the rules before in force for the admission of special or second appeals by the provincial courts and court of Sudder Dewanny Adawlut, were extended, is hereby rescinded.

*Second.* After the promulgation of this regulation the provincial courts, and court of Sudder Dewanny Adawlut shall be guided, in their admission of special or second appeals, by the rules contained in Section 2, Regulation XXVI. 1814; Section 7, Regulation XIX. 1817; and Sections 3, 4, and 5, of Regulation IX. 1819.

V. Regulation XXVIII. 1814, relative to paupers, not containing any specific provision respecting pauper appellants or respondents in second or special appeals, it is hereby declared, that the provisions in that regulation respecting appeals in *forma pauperis* from decisions passed in original suits, shall after the promulgation of the present regulation, be considered applicable to any second or special appeals which may be preferred in *forma pauperis*; and which may be hereafter deemed admissible under the rules specified in the preceding section.

## A. D. 1825. REGULATION III\*.



A REGULATION for empowering the Courts of Circuit to pass Sentence in certain Cases of Robbery, without Reference to the Court of Nizamut Adawlut.—PASSED by the Governor General in Council, on the 24th March 1825; corresponding with the 12th Chyte 1231 Bengal era; the 20th Chyte 1232 Fussily; the 13th Chyte 1232 Willaity; the 5th Chyte 1882 Sumbut; and the 3d Shabaan 1240 Higeree.

**W**HEREAS under the regulations in force the trials of all persons convicted before the courts of circuit of the crime of robbery by open violence, as defined in Section 3, Regulation LIII. 1803, are referrible to the court of Nizamut Adawlut: and whereas it will tend to relieve that court from a part of the numerous trials now referred to it, and at the same time expedite the administration of criminal justice in such cases, if the courts of circuit are empowered to pass sentence, when the robbery may not have been committed by a gang of armed persons, or may not have been attended with murder or other aggravating act of criminality, such as to require a sentence of punishment exceeding that which the courts of circuit are competent to adjudge in other cases, viz. thirty nine stripes with a corah, and imprisonment with hard labour, in banishment for fourteen years; the Governor General in Council has enacted the following rules, to be in force as soon as promulgated throughout the provinces under this presidency.

*Preamble.*

II. So much of Section 8, Regulation XVII. 1817, and of the preceding regulations therein referred to, or of any other regulation in force as requires that the courts of circuit shall in all cases of conviction of the crime of robbery by open violence, as defined in the first clause of Section 3, Regulation LIII. 1803, refer the trial of the prisoner or prisoners so convicted for the final sentence of the court of Nizamut Adawlut, is hereby modified, as stated in the following section.

*Part of Section 8, Regulation XVII. 1817, modified.*

III. In cases of conviction before a court of circuit of the crime of robbery by open violence, as defined in Section 3, Regulation LIII. 1803, or of an attempt to commit the same; if the robbery shall not have been committed, or attempted by a gang of two or more armed persons; and shall not have been accompanied with murder, or with an attempt to commit murder, whether by wounding, burning, strangling, poisoning, drowning, throwing into a well, or by any other means; nor have been accompanied with wounding, burning, or other corporal injury to any person or persons, in such a degree as to endanger life, nor have been attended with any other aggravating act of criminality, such as may appear to the judge of circuit, before whom the trial is held, to merit, and call for a more severe punishment than thirty-nine stripes with a corah, and imprisonment with hard labour for fourteen years, in banishment from the district where the prisoner may have resided; the judge of circuit, concurring with his law officer in the conviction of the prisoner or prisoners, is authorized, without reference to the Nizamut Adawlut as required by the sixth clause of Section 8, Regulation XVII. 1817, to pass such sentence as he may deem adequate to the offence, on due consideration of all the circumstances of the case, not exceeding the number of stripes and term of imprisonment with hard labour in banishment, above specified.

*Courts of Circuit empowered to pass final sentence in certain cases of robbery, without a reference to the court of Nizamut Adawlut.*

\* The whole of this regulation is rescinded by Section 2, Regulation XVI. 1825.



## A. D. 1825. REGULATION IV.



A REGULATION for declaring the Magistrates and criminal Courts empowered to require Recognisances, and Security for keeping the Peace in certain Cases ; and for explaining some of the Provisions contained in Regulation VIII. 1818, relative to Security for good Behaviour.—PASSED by the Governor General in Council, on the 21th March 1825 ; corresponding with the 12th Chyte 1231 Bengal era ; the 20th Chyte 1232 Fussily ; the 13th Chyte 1232 Willaity ; the 5th Chyte 1882 Sumbut ; and the 3d Shabaan 1240 Higeree.

**W**HEREAS the existing regulations contain no express provision for empowering the *xillah* and city magistrates, and joint magistrates, to take *moochulkas*, or penal recognisances for the maintenance of the peace in their respective jurisdictions, although it has been the established usage to require such in many instances ; nor do the regulations in force expressly sanction the requisition of security to keep the peace, except from persons charged with criminal offences, whilst the charge is under examination ; and whereas the rules contained in Regulation VIII. 1818, respecting security for good behaviour, have been found in some instances to require explanation ; with a view to provide for such cases, and to declare the powers of the magistrates and criminal courts in those before referred to, the Governor General in Council has enacted the following rules, to be in force, from the time of their promulgation, throughout all the provinces immediately subject to the presidency of Fort William.

Preamble.

II. *First.* Whenever a person charged with a serious affray, assault, or other violent breach of the peace, or with causing, aiding, or abetting the same, or with assembling armed men, or taking other unlawful measures, with the evident intention of committing the same, shall be convicted of such charge, before any criminal court by which the offence may be cognizable ; and the court by which a final sentence or order in the case may be passed, shall be of opinion, that it is just and necessary to require a *moochulka*, or penal recognisance for keeping the peace, with or without security, for the same purpose, from the person so convicted, it shall be competent to the court, passing the final sentence or order, in such cases, to direct that the person so convicted be required to execute a *moochulka*, or formal engagement, in a sum proportionate to the party's condition in life, and the circumstances of the case, for keeping the peace, during such period, as it may appear proper to fix in each instance ; not exceeding one year, from the time of the prisoner's discharge, if the sentence or order be passed by a magistrate, joint magistrate, or other officer exercising the functions of a magistrate, or three years, if the sentence or final order be passed by a court of circuit, or the court of Nizamut Adawlut.

Criminal courts may, if they think proper, take *moochulkas* or penal recognisances from persons convicted before them, to keep the peace during a certain period.

*Second.* In cases of an aggravated nature, wherein it may appear necessary to require security for keeping the peace in addition to the *moochulka* of the party, it shall also be competent to the court passing the final sentence or order, to direct the same ; and to fix the amount of the security bond (which should never be excessive, and should in all cases be such as it would be proper to enforce, in the event of a breach of the engagement) to be

Security to be taken, in addition to the *moochulka* to keep the peace, in cases of aggravated nature. Nature of the security bond.

## A. D. 1825. REGULATION IV.

be executed by the surety or sureties; with a provision, that if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding the period specified in the preceding clause, according as the order may be passed by a magistrate, or court of circuit, or by the court of Nizamut Adawlut.

The provisions of Sections 5, 6, and 7, of Regulation VIII. 1818, to be applicable to all prisoners confined on requisition of security for keeping the peace under this regulation, and to the sureties for such persons.

Magistrates and joint magistrates not precluded by any regulations from taking *moochu'kas* or penal recognisances for the maintenance of the peace, although the parties may not have been convicted of any specific offence.

Provided, that the amount of the recognisance shall be proportionate to the condition in life of the person required to execute the same.

Proviso. The proceedings in all such cases to be open to the revision of the courts of circuit at the next ensuing session on presentation of any petition of complaint.

Explanation of some of the provisions of Regulation VIII. 1818.

III. The provisions contained in Sections 5, 6, and 7, of Regulation VIII. 1818, shall be considered applicable to all prisoners confined on requisition of security for keeping the peace, under the present regulation, and to the sureties for such persons.

IV. Nothing in Regulation VIII. 1818, or in any other regulation in force shall be construed to preclude the *xillah* and city magistrates, or joint magistrates, from taking *moochu'kas*, or penal recognisances, according to established usage, in all cases wherein it may appear just and necessary to require the same, for the maintenance of the peace in their respective jurisdictions; although the parties bound in such recognisance, may not have been convicted of any specific offence: provided, that the amount of the recognisance in all such cases, shall be proportionate to the condition in life of the person required to execute the same; and shall, in no instance without conviction of a specific charge, exceed the sum of two hundred sicca rupees. Provided also, that the proceedings of the magistrate or joint magistrate, in all such cases, shall be open to the revision of the court of circuit, at the next ensuing session of jail delivery; in the event of any petition, complaining of, or objecting to, the order of the magistrate, or joint magistrate, being presented to that court.

V. In explanation of the rule contained in the first clause of Section 8, Regulation VIII. 1818, which directs that whenever the magistrates, under the authority vested in them by the regulations, may require security for the good behaviour of a prisoner, they shall (in all cases in which they may judge it safe so to do) provide in their order, for the release of the prisoner, at the end of a definite period, not exceeding a twelve month; it is hereby further provided, that the period to be fixed for the responsibility of the sureties, in such cases, shall correspond with the term limited by the magistrate's order for the prisoner's detention, in the event of his not furnishing the required security.

## A. D. 1825. REGULATION V.



A REGULATION for removing certain Doubts as to the Legality of a Union of the Powers of Judge and Collector in the same Individual.—PASSED by the Governor General in Council, on the 4th April 1825; corresponding with the 23d Chyte 1231 Bengul era; the 1st Bysaak 1232 Fussily; the 24th Chyte 1232 Willaity; the 1st Bysaak 1882 Sumbut; and the 14th Shabaan 1240 Higeree.

**W**HEREAS it has occasionally been found necessary to place the charge of collectorships or of portions of collectorships in the hands of *xillah* and city judges or of registers of the civil courts, and it may from time to time be hereafter found necessary to depute or employ officers vested with the united powers of judge and collector in the administration of the affairs of particular districts, or in the adjustment of boundaries, or in the settlement of tracts occupied by peculiar tribes or classes of people, or in the execution of other special measures: and whereas doubts have arisen as to the legality of such a union of authority, the Governor General in Council, with a view of removing such doubts, has been pleased to declare and to enact as follows.

Preamble

II. It is hereby declared, that the official acts of all public officers who may have exercised under the sanction and authority of Government, or under the provisions of Regulation IV. 1821, the united powers of judge and collector, or of register and collector, shall be deemed and held to be and to have been to all intents and purposes as legal and valid as they would have been, had they been performed by officers holding respectively the office of judge or register only, or the office of collector only.

The official acts of all public officers who, under competent authority, have heretofore exercised the united powers of judge and collector, or register and collector, declared to be legal and valid.

III. *First.* It shall be competent to the Governor General in Council to vest the whole or any portion of the jurisdiction and powers of a civil judge and of a collector of revenue in the hands of the same officer, whenever and so long as such an arrangement may, for special purposes, appear expedient.

Power reserved to the Governor General in Council, to vest the whole or any portion of the jurisdiction of a judge or a collector of revenue, in the hands of the same officer.

*Second.* Provided that in all such cases, the judge shall be precluded from trying and determining in his civil court, any claims which may be preferred by individuals for acts done by him in his official capacity of collector; but such claims shall, as already provided for by the second clause of Section 6, Regulation IV. 1821, be cognizable in the provincial court of the division, and not in the *xillah* or city court.

Proviso, precluding a judge in such cases from trying claims preferred by individuals for acts done by him in his capacity of collector.

Such claims to be cognizable by the provincial court of the division under the rules in force.



# A. D. 1825. REGULATION VI.

A REGULATION for rendering more effectual the Rules in Force, relative to Supplies and Preparations for Troops, proceeding through the British Territories.—PASSED by the Governor General in Council, on the 4th April 1825; corresponding with the 23d Chyte 1231 Bengal era; the 1st Bysaak 1232 Fussily; the 24th Chyte 1232 Willaity; the 1st Bysaak 1882 Sumbut; and the 14th Shabaun 1240 Higeree.

**W**HEREAS it is enacted in the first clause of Section 3, Regulation XI. 1806, that on receiving the notification mentioned in the preceding section, relative to a body of troops about to proceed, by land or by water, through any part of the Company's territories, the collector of the district shall immediately issue the necessary orders to the landholders, farmers, *tehsildars*, or other persons in charge of the lands, through which the troops are to pass, for providing the supplies required; and for making any requisite preparations of boats, or temporary bridges, or otherwise, for enabling the troops to cross such rivers or *nullahs*, as may intersect their march, without impediment or delay; it being, at the same time, further directed, in the second clause of the section referred to, that the supplies so furnished, shall be paid for by the persons receiving the same, at the current *bazar* prices of the place at which they may be provided; and that the expense incurred for crossing the troops and their baggage over rivers or *nullahs*, after being duly ascertained, will be paid by Government: and whereas experience has shown the necessity of enabling the collectors, or other public officers acting in that capacity, to enforce their orders in the cases above mentioned, by imposing a fine upon any landholder, *tehsildar*, or other person in the possession or management of land, who after receiving the requisition issued in pursuance of the section above cited, may be proved to have wilfully disobeyed or neglected the same; the Governor General, in Council has therefore enacted the following rules, to be in force, as soon as promulgated, in all the provinces immediately subject to the presidency of Fort William.

Preamble.

II. Any landholder, farmer, *tehsildar*, or other person in the possession or management of land, who may have been duly required by a collector of the land revenue, or any public officer acting in that capacity, in pursuance of Section 3, Regulation XI. 1806, to provide supplies for a body of troops, about to proceed by land or water, through any part of the British territories; or to make preparations of boats, temporary bridges, or otherwise, for enabling the troops to cross rivers or *nullahs*, intersecting their march; and after the receipt of such requisition, shall wilfully disobey or neglect the same; or shall, without sufficient cause, fail to exert himself for the due execution of the duty so assigned to him; shall, on proof of such failure, neglect, or disobedience to the satisfaction of the collector, or other officer acting in that capacity, by whom the order may have been issued, or of his successor in the same office, be liable to a fine proportionate to the defaulter's condition in life, and the circumstances of the case, in such amount as the collector, or other officer, with due regard to these considerations, may judge it proper to impose; so that the fine shall not, in any case, exceed the sum of one thousand sicca rupees.

*Zemindars* having been warned by the collector to provide supplies for troops,

Or to provide boats, &c. for crossing *nullahs*,

Shall on proof of neglect or disobedience be punishable by a fine,

Not exceeding 1,000 sicca rupees.



## A. D. 1825. REGULATION VI.

The collector to make a summary inquiry, in presence of the party charged with neglect or disobedience, or his representative

The collector may hold *ex parte* proceedings on failure of either to attend.

The amount of fine how to be levied.

Appeal to what authority preferable.

Petition of appeal to be written on stamp paper.

Limitation of appeal.

III. The collector, or other officer acting in that capacity, who may exercise the powers vested in him by this regulation, shall previously make a summary inquiry, in the presence of the party charged with disobeying or neglecting the order issued to him, or of his representative; if on being duly summoned, he shall attend in person, or by *vakeel*, for that purpose. If he shall fail to attend either in person or by *vakeel*, the summary inquiry shall be conducted *ex parte*, and the collector shall record upon his proceedings the whole of the evidence obtained in proof of the neglect or disobedience for which a fine may be imposed.

IV. The collector, or other officer, who may adjudge a fine under this regulation, shall be competent to levy the amount by the same process as is authorized for the recovery of arrears of the public revenue. Provided that if an appeal be preferred from his decision, within six weeks from the date of it, to the Board of Revenue, in whose jurisdiction the district may be situate, and sufficient security be tendered for performing the judgment of the Board upon the appeal, the collector shall stay the execution of his order for levying the fine imposed by him, until he shall receive the final order of the Board.

V. Appeals from the orders of collectors, or other public officers, adjudging fines under this regulation, may be preferred, on the stamp paper prescribed for other appeals to the Revenue Boards, either immediately to the proper Board, or through the officer by whom the fine may have been adjudged; and on admission of the appeal the whole of the proceedings in the case shall be transmitted to the Board. But no such appeal shall be receivable, after the expiration of six weeks from the date of the judgment, without proof of sufficient reason for the delay, to the satisfaction of the Board, by whom the case may be cognizable.

## A. D. 1825. REGULATION VII.



A REGULATION to explain and amend the Rules in Force for the Execution of Decrees, or other judicial Process, by the Sale of landed Property, or otherwise.—  
PASSED by the Governor General in Council, on the 14th April 1825; corresponding with the 3d Bysaak 1232 Bengal era; the 10th Bysaak 1232 Fussily; the 3d Bysaak 1232 Willaity; the 11th Bysaak 1882 Sumbut; and the 23d Shabaan 1240 Higeree.

WHEREAS the rules contained in Regulation XLV. 1793, re-enacted for Benares by Regulation XX. 1795, and for the ceded provinces by Regulation XXVI. 1803, “for disposing of *malguzaree* and *lakheraj* lands, pursuant to decrees of the courts of justice,” have been found to require explanation and amendment, with respect to the sale of houses, gardens, orchards, and small portions of land held exempt from the public assessment: and whereas it appears expedient to establish some additional rules for the sale of such property, when requisite, in satisfaction of decrees, or judicial process; as well as for the sale of landed property, in execution of such process, when made by the revenue officers of Government; at the same time enabling the judges of the civil courts to obtain the aid of the collectors in the enforcement of all decrees relative to the proprietary right, or possession, of lands, when it may appear conducive to their speedy or complete execution, as well as to require security, or direct an attachment of property in certain cases, when the enforcement of a decree may be delayed under the eighth clause of Section 15, Regulation XXVI. 1814; the Governor General in Council has for these purposes enacted the following rules, to be in force, as soon as promulgated, throughout all the provinces immediately subject to the presidency of Fort William.

Preamble.

II. *First.* Such parts of Regulations XI.V. 1793, XX. 1795, and XXVI. 1803, or of any other regulation in force, relative to the sale of lands, in satisfaction of decrees of the courts of civil judicature, as require that sales of landed property, in execution of such decrees, shall be made by the collectors of the public revenue, or other officers of Government in the revenue department, are hereby explained and modified, as follows.

Parts of the regulations in force relating to sale of lands, in satisfaction of decrees of courts, explained and modified.

*Second.* The rules contained in the regulations above-mentioned shall not be considered applicable to the sale of houses, gardens, orchards, and small portions of land held exempt from the public assessment; the sale of which, when requisite in execution of any decree or other judicial process, shall be made, as heretofore, by order of the court, or officer, empowered to enforce the decree or process, without application to the Board of Revenue, or the collector of the district, or other officer in the revenue department.

Sales of houses, gardens, orchards, and small portions of *lakheraj* land, in execution of decrees, to be conducted under the authority of the judicial officers.

*Third.* The judge, register, or other officer empowered, under the regulations, to enforce a decree or other judicial process, by a sale of property, is authorized to cause the public sale of any house, garden, orchard, or small portion of *lakheraj* land, which may be liable to be sold in execution of the decree or other process, in like manner as he is authorized to cause the public sale of any personal property liable to be sold in execution of the same.

The sale of landed property, under a judicial process, to be conducted under the same forms as sales of personal property.

III. *First.* The judges and registers of the *sillah* and city courts, who usually employ the *nazirs* of those courts, or the *sudder ameens* at the station of the judge and register, and the local *mooniffs* in other parts of their jurisdictions, to conduct the public sale of personal property, in execution of decrees or other judicial process, are hereby authorized

The same officers to be employed in the sale of houses, &c. as in the sale of landed property.

to employ the same officers, when it may appear expedient, in the public sale of houses, gardens, orchards, or small portions of *lukheraj* land, under the provisions of this regulation.

A proclamation to be issued thirty days previously to the sale of such property.

How such proclamation is to be made and notified.

The usual processes for attachment and sale, may be issued simultaneously.

No sale to take place, without the specified proclamation being made; and any material irregularity will render the sale liable to be declared invalid.

If a petition on stamp paper be presented within one month after the sale.

In cases where sales are annulled and no collusion appears, the purchaser to have his purchase money returned, with or without interest, as may appear proper.

Summary decision passed by judges or registers appealable to the provincial courts.

How judicial officers are to proceed, in cases where claims are made to advertised property, or objections made to the sale of it.

Provided such claim or objection shall not have been designedly delayed.

But should the claim be urged with a fraudulent design, the sale is to proceed, and the claimant left to prosecute in the civil court.

In all cases of sale of property, the bidders shall be apprised that nothing is guaranteed to them beyond the rights and interests of the individuals answerable for the amount of the decree.

The provision contained in the foregoing clause declared applicable to all public sales of land made

*Second.* In all cases of attachment and intended sale, whether of personal property; or of the landed property above described, in execution of any decree or other judicial process, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, and of the amount due for the recovery of which the sale is ordered, shall be made, in the current language of the country, for at least thirty days before the appointed day of sale; exclusive of the day of sale and the date on which the proclamation may be ordered. Such proclamation shall be made in the usual mode, by beat of drum, on the spot where the property is attached; and a written notification to the same effect shall also be affixed in some conspicuous place within the village or town, in which the attachment may take place, as well as in the *cutcherree* of the local *moonsiff*; and at the *cutcherrees* of the collector of the district, and the *xillah* judge, or register, who may have ordered the sale. When the sale is to be made by a *sudder ameen*, the notification shall also be affixed in the *cutcherree* of such *sudder ameen*.

*Third.* The usual processes for attachment and sale, in such cases, may either be issued successively or simultaneously, as the judge, register, or other judicial officer directing the sale, may in each instance think proper, with reference to the circumstances of the case. But no sale shall in any instance take place, without a previous proclamation for the period specified in the preceding clause; and any material irregularity in the sale, which may be established, on a summary inquiry, to the satisfaction of the judge, register, or other officer by whom the sale may have been ordered, shall be sufficient to invalidate the sale; provided that a petition, written on the stamp paper required for miscellaneous petitions to the *xillah* and city courts, and stating circumstantially the irregularity which may have taken place, be presented to the judge, register, or other officer by whom the sale may have been ordered, within one month after the sale.

*Fourth.* Whenever a public sale may be set aside as invalid, under the preceding clause, or on any account whatever, and no collusion or fraud shall appear on the part of the purchaser, he shall be entitled to receive back his purchase money, on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to direct in each instance.

*Fifth.* The summary decision passed by the *xillah* or city judges, or registers, under this section, shall be open to a summary appeal to the provincial courts, under the general rules for such appeals.

*Sixth.* In the event of any claim being preferred to the property advertised for sale, under the provisions of this section; or of any objection being offered to the proposed sale, within the period of the proclamation; such claim or objection shall be inquired into by the judge, register, or other officer who may have ordered the sale, or may be referred for inquiry and report to a *sudder ameen*, or local *moonsiff*; and if it appear necessary, the time of sale shall be postponed, till such claim or objection have been investigated; provided that the representation of it, (which in all instances, is required to be preferred to the judge, register, or officer ordering the sale, as soon as practicable after the publication of the intended sale,) shall not appear to have been designedly and unnecessarily delayed, with a view to obstruct the ends of justice. In such cases, when the fraudulent design may appear evident, the sale shall not be postponed; and the claimant shall be left to prosecute his claim, after the sale, by a regular civil suit.

*Seventh.* In all cases of a public sale of property, under this regulation, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land, or other property sold, beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process, in execution of which the sale is made.

IV. *First.* The provision contained in the last clause of the foregoing section, shall be considered applicable to all public sales of land made by the collectors, or other officers of Government in the revenue department, in execution of decrees of the courts of judicial process; and the following additional rules are prescribed respecting such sales, in modification of those now in force.

## A. D. 1825. REGULATION VII.

**Second.** When it may be necessary to have recourse to a sale of landed property, in execution of a decree or other judicial process, and the property pointed out for sale, by the person desiring execution of the decree or other process, may not be such as the court empowered to enforce the same is authorised to bring to sale, without application to the revenue officers of Government, the court whose duty it may be to execute the decree or process, shall transmit a copy and translation of the decree or other process, to the local Board of Revenue, as directed in Regulations XLV. 1793, XX. 1795, and XXVI. 1803, and shall at the same time transmit a statement of the lands which the person entitled to the benefit of the decree or other process, may point out as belonging to the person or persons, from whom the amount may be demandable.

**Third.** The Board of Revenue, on receipt of the documents above noticed, will proceed as directed in the regulations referred to, and shall furnish the collector of the district in which the lands proposed for sale may be situated, with a copy of the statement so received; instructing him to select for the sale, any part of the lands included in the statement, which it may appear most convenient to sell in execution of the decree or other process, and the sale of which may appear sufficient for that purpose.

**Fourth.** In the event of any claim being preferred or objection offered to the collector, against the sale of the lands proposed to be sold, as not belonging to the person or persons answerable for the amount of the decree, or other process to be enforced, and consequently not liable to be sold in execution thereof, the collector shall communicate such claim or objection, with any information which his official records may enable him to furnish on the subject, to the court which may have applied for the sale; and shall be guided by the instructions which he may receive in answer, whether to proceed with the sale, or otherwise.

**Fifth.** In all cases of a claim or objection being communicated by a collector, to the court enforcing a decree or other process, under the foregoing clause, or of a claim to lands proposed for sale in execution of judicial process, being received from the claimant, by the judge, or other officer who may have required the sale, it shall be his duty to enter upon an immediate, summary inquiry into the truth and foundation of such claim; and if it appear proper, he shall instruct the collector to postpone the intended sale until such inquiry shall have been completed. Provided however, that such postponement shall not be necessary, when the claim or objection may not have been preferred within a reasonable time, after the collector's publication of the intended sale, and may appear to have been intentionally delayed, with a view to obstruct the sale. In such cases the court may order the sale to take place; and refer the claimant to a regular suit in prosecution of his claim.

**V. First.** A doubt having been entertained whether public sales of land, made by the revenue officers of Government, in satisfaction of decrees or other process of the court of judicature, can be summarily set aside, without a regular civil suit, or proof of irregularity in publishing and conducting the sale, or otherwise; it is hereby declared that the *xillah* or city court, or other judicial authority, who may have ordered the sale in such cases, shall be competent to declare the same null and void, and to order a re-sale in the mode prescribed by the regulations, if, on summary inquiry, any material deviation therefrom, and consequent irregularity in the sale, be satisfactorily established: provided that a petition containing a circumstantial statement of such irregularity, and written on the stamp paper required for miscellaneous petitions in the *xillah* and city courts, be presented to the court by which the sale may have been ordered, within a month after the sale. In such cases, the court directing the sale to be set aside shall further be competent to direct a return of the purchase money, with or without interest, as provided for in similar cases by the fourth clause of Section 3. of this regulation.

**Second.** The summary decisions passed under this section, shall be open to a summary appeal to the provincial courts, under the general rules for such appeals.

**VI.** By the existing regulations the judges of the *xillah* and city courts, are required to transmit to the collectors of their respective jurisdictions, (as well as to the Board of Revenue,) copies of all decrees which may be passed by them, or by their registers; or which may be sent to them for enforcement by the superior courts; affecting the propri-

ty of collectors or other revenue officers, in execution of decrees of the courts of judicature or of other judicial process.

The courts how to proceed, when a sale of landed property cannot be effected without application to the revenue authorities.

The Board of Revenue to instruct the collector of the district in which the lands may be situated to select for sale any part of them which may appear most convenient.

In the event of any claim or objection against the sale, the collector shall communicate the same to the court, and shall be guided by the instructions he may receive.

In cases where objections are communicated by collectors, or claims preferred to lands ordered for sale, the judge, &c. to institute a summary inquiry, and if requisite to instruct the collector to postpone the sale.

Such postponement to be held unnecessary, if the claim has not been preferred within a reasonable period.

All judicial authorities who may have ordered sales of lands by revenue officers, empowered to declare such sales null and void, and to order a re-sale, if, on summary inquiry, any material irregularity be satisfactorily established.

**Proviso.**

In certain cases the purchase money to be returned with or without interest.

Summary decisions passed under this section appealable to the provincial courts.

The civil courts may require the aid of the collectors in the enforcement of decrees relating

## A. D. 1825. REGULATION VII.

to *malguzares* land, whenever it may appear conducive to their speedy and complete execution.

tary right to, or possession of, any lands paying revenue to Government, or held exempt from the payment of revenue; for the purpose of enabling them to make the requisite entries and alterations in the periodical registers of land. The judges of the several civil courts are further hereby authorized to require the aid of the local collector, in the enforcement of all such decrees, whenever it may appear conducive to their speedy and complete execution; whether by giving possession to the parties entitled thereto, or by the adjustment of a *waselat* account, or otherwise.

Clause eighth, Section 15, Regulation XXVI. 1814, explained, and the several courts empowered to require security for making good decrees, or in failure thereof to cause an attachment of property.

VII. In explanation of the eighth clause of Section 15, Regulation XXVI. 1814, which provides that, in certain cases, "it shall be competent to the court applied to for execution of a decree, instead of proceeding to the immediate enforcement of the decree, to issue a notice to the party against whom execution may be sued out, requiring him to show cause within a limited period to be fixed by the court, why the decree should not be executed against him;" it is hereby declared that the above provision was meant to be imperative in the cases referred to, and not to leave a discretion with the court; at the same time, with a view to guard against abuses, it is now further provided, that whenever it may be shown, by satisfactory evidence, that the party against whom the decree was passed, or in the event of his decease, his legal representative who may have become answerable for the fulfilment of it, is about to remove, or dispose of the property from which the judgment should be satisfied, the court, proceeding as directed in the eighth clause of Section 15, Regulation XXVI. 1814, shall be authorized to require security in such amount as may appear sufficient for making good the decree; and in the event of such security not being given, to cause an attachment of property, as provided for in similar cases, whilst a suit is depending, by Section 5, Regulation II. 1806.

## A. D. 1825. REGULATION VIII.

A REGULATION to make further Provision for the Employment of native Officers in the judicial Department; and to provide for the Punishment of false and malicious Charges against the European Officers of Government.—PASSED by the Governor General in Council, on the 5th May 1825; corresponding with the 24th Bysaak 1232 Bengal era; the 3d Jeyte 1232 Fussily; the 25th Bysauk 1232 Willaity; the 3d Jeyte 1882 Sumbut; and the 16th Ramzaan 1240 Higeree.

**W**HEREAS the rules contained in Regulations II. 1793, V. 1795, and XXV. 1803, whereby the collectors are prohibited from employing their private servants, or any persons except public and registered officers, in the discharge of any part of their public duties, as well as from conferring on their public officers any private trust relating to their personal concerns, have not been specifically enacted, by any regulation in force, for the guidance of the public officers in the judicial department, although the spirit of them is obviously applicable to the rules enacted in Regulations V. 1804, and VIII. 1809, for the appointment of the native officers employed in that department: and whereas the rules in force for receiving and proceeding upon charges of a serious nature against the European public officers, contain no provision similar to the enactment in Section 5, Regulation VII. 1811, respecting malicious and unfounded charges preferred in the *zillah* or city courts, when the accusation or information against a European officer of Government may be found on investigation to be manifestly groundless and malicious: with a view therefore to supply what is wanting in the existing regulations on the points above noticed, the Governor General in Council has enacted the following rules, to be in force, as soon as promulgated, throughout all the provinces immediately subject to the presidency of Fort William.

**II. First.** The whole of the officers of Government, employed in the judicial department, civil or criminal, are prohibited, under penalty of dismissal from office, from employing, directly or indirectly, their private servants of whatever description, or any other persons, not being public officers duly appointed or nominated in conformity with the rules in force relative to such appointments, in the discharge of any part of their public duties, or in the execution of any public duty, in which the person so employed, may not have been duly authorized to act.

**Second.** The whole of the judicial officers are, in like manner and under the same penalty, prohibited from employing any of the public officers on their establishments, (not being *peons*, or other inferior servants, in personal attendance upon a judge, magistrate, or other officer of Government in the judicial department,) in the performance of any part of their private business, or in the execution of any private trust relating to their personal concerns.

**III.** If any of the native officers, now on the establishment of any officer of Government in the judicial department, shall be disqualified from continuing to hold the office now held by him, under the prohibitions contained in the preceding section, he shall be immediately removed from such office, and a successor appointed to it, according to the rules

Preamble.

All officers in the judicial department prohibited, under penalty of dismissal from office, from employing their private servants in the execution of any public duty.

And from employing any public officers on their establishment, (not being *peons* or other inferior servants,) in the execution of any part of their private business, or private trust relating to their personal concerns.

Any native officers in the judicial department, who may be disqualified from public employment,

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under the prohibitions referred to in the preceding section, to be immediately removed from office.

Any neglect of the above requisition will subject the party to the same penalty as that specified in the preceding section.

In all future nominations of native officers, the judges and magistrates are to state to the provincial courts, that the person so nominated is not disqualified under the provisions of the present regulation.

Duty of the provincial courts to enforce the due observance of the above rules, and to report to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, any wilful infringement of them.

The court of Sudder Dewanny Adawlut, and Boards or other authority, declared competent to punish, after due investigation, persons preferring unfounded and malicious charges against European officers.

The court of Sudder Dewanny Adawlut to issue the necessary instructions to the proper officer for the execution of orders passed under the above clause.

Similar orders of the Board of Revenue and Board of Trade or other authority, how to be executed

In what manner persons preferring, on oath, false and malicious charges against European public officers, may be proceeded against.

rules prescribed in the existing regulations. Any neglect of this requisition will subject the party committing it to the same penalty as that provided for in the foregoing section.

IV. In all future nominations of native officers by the judges and magistrates, or other judicial officers, which may be submitted to the provincial courts of appeal and circuit, under the provisions of Regulation IX. 1809, or of any other regulation in force, the judge, magistrate, or other officer making such nomination, is required to state explicitly, in addition to the information called for by the existing rules, that the person so nominated is not disqualified under the provisions of the present regulation; and it will, at all times, be the duty of the provincial courts to see that these provisions are observed; as well as to report any wilful infringement of them to the court of Sudder Dewanny or Nizamut Adawlut for the information and orders of Government.

V. *First.* Whenever an accusation or information of a serious nature against a European public officer, which may have been preferred and proceeded upon, in conformity with the provisions of Regulation XVII. 1813, or of any other regulation in force, shall be found on investigation to be manifestly unfounded and malicious, it shall be competent to the court of Sudder Dewanny Adawlut, Board of Revenue, Board of Trade, or other controlling authority passing a final judgment or order in the case, to punish the accuser, or informer, who may have preferred such groundless and malicious charge, or information, by imprisonment in the civil or criminal jail with or without labour and irons for a period not exceeding six months, with a fine not exceeding five hundred rupees, commutable, if not paid, to a further period of imprisonment not exceeding six months; so that the entire period of imprisonment shall in no instance exceed one year.

*Second.* Whenever fine and imprisonment or either may be ordered under the above clause, by the court of Sudder Dewanny Adawlut, it will of course, be competent to that court to issue the necessary instruction for the execution of the order so passed to the proper officer. In all other cases; viz. whenever the order may be passed by the Board of Revenue, Board of Trade, or any other controlling authority, acting under the provisions of Regulation XVII. 1813, Regulation VIII. 1817, or any other regulation in force, an authenticated copy of the order shall be transmitted to the register of the Sudder Dewanny Adawlut, with a request that the necessary measures for carrying the same into effect may be taken by that court, who will thereupon issue the requisite instructions for that purpose, in like manner as if the order had been passed by the Sudder Dewanny Adawlut.

VI. In cases of an atrocious nature, wherein the accuser or informer may have been manifestly guilty of wilfully preferring a false and malicious charge of a serious nature, on oath, and it may appear necessary for the ends of justice, on due consideration of all the circumstances of the case, that instead of being subjected to a fine and imprisonment under the provisions of the foregoing section, he should be criminally prosecuted on a charge of perjury, the proceedings held in the case shall be transmitted by order of the controlling authority to the court of Nizamut Adawlut, which court, if it shall be of opinion that there are sufficient grounds for a criminal prosecution, will issue the necessary instructions for the same to be conducted by the *vakeel* of Government before the court of circuit, to which the offender may be amenable, or in which it may appear proper to bring him to trial.

## A. D. 1825. REGULATION IX.



A REGULATION for extending the Operation of Regulation VII. 1822 ; for authorizing the Revenue Authorities to let in Farm Estates under temporary Leases, on the Default of the Malguzars, or to hold the same Khas for a Term of Years ; for modifying and adding to the Rules contained in Regulation II. 1819, and for making certain other Amendments in the existing Regulations.—PASSED by the Governor General in Council, on the 5th May 1825 ; corresponding with the 24th Bysaak 1232 Bengal era ; the 3d Jeyte 1232 Fussily ; the 25th Bysaak 1232 Willaity ; the 3d Jeyte 1882 Sumbut ; and the 16th Ramzaan 1242 Higeree.

**W**HEREAS the provisions of Regulation VII. 1822, are in force only within the ceded and conquered provinces, in the district of Cuttack, and in the *pergunnah* of Puttaspore and its dependencies : and whereas there are within the other provinces belonging to this presidency various *mohauls* and tracts for which a permanent settlement has not yet been concluded, and it appears to be advisable that the revenue authorities should be vested, in regard to such *mohauls* and tracts, with the same powers as belong to the like officers within the ceded and conquered provinces : and whereas the principle of the rules contained in the said regulation, relative to lands held free of assessment or at a *mocurreree jumma* under special grants, is equally applicable to such tenures in all parts of the country : and it appears to be likewise expedient to make provision for the occasional exercise by the revenue officers in the lower provinces, of the powers specified in the said regulation, for the summary trial of certain suits between individuals, subject as therein provided to an appeal to the *adawlut* by a regular suit : and whereas a frequent recourse to the sale of lands, for the recovery of arrears of revenue in districts of which the assessment has not been fixed in perpetuity, being inexpedient, it appears to be necessary and proper that the revenue authorities should be empowered to let in farm for a term of years the estates of defaulters under temporary leases, or to hold the same *khas* for the purpose of making a *ryotwar* settlement, where that measure may be deemed advisable : and whereas it has appeared to be expedient to modify and to add to the provisions contained in Regulation II. 1819 : and whereas the rules prohibiting the collection of *sayer* duties, and the provision contained in Section 39, Regulation IX. 1810, having been considered applicable to several items of *sewae* collections or cesses levied by the *malguzars* and others for local purposes, and according to ancient usage, which it would be injurious to abolish, it appears to be expedient to provide for the continuance of such collections when sanctioned by Government : the following rules have been enacted, to be in force from the date of their promulgation, within the provinces belonging to the presidency of Fort William.

II. *First.* The provisions contained in clause sixth, Section 2. and in the thirty three following sections of Regulation VII. 1822, are hereby extended to all lands (including *jaghires*, *mocurrerees*, and other tenures held free of assessment or at a quit rent under special grant) not included within the limits of estates for which a permanent settlement has been concluded in the manner prescribed by Regulation VIII. 1793, and Regulations II. and XXII. 1795, as far as the same may be applicable.

Preamble.

The provisions contained in clause sixth, Section 2. and thirty three following sections of Regulation VII. 1822, extended to all lands not included within the limits of estates for which a permanent settlement has been concluded.



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Such provisions to be in force in all estates held under *khas* management.

And to be held applicable to the Sunderbunds, the hill lands of Bhaugulpore, and generally to all forests and wastes not specified in the settlement account.

The Governor General in Council may vest any collector, &c. with the several powers specified in Section 20, Regulation VII. 1822, within such limits as may be considered advisable.

In such cases the several provisions contained in Section 21, &c. to be considered applicable.

Rule of proceeding, when an arrear of revenue on account of *mohauls* not permanently assessed may not be paid within one month after it becomes due, and objections appear to a public sale.

Existing engagements may be annulled, and the *mohaul* let in farm.

If a higher *jumma* be obtained, the excess to be appropriated to the liquidation of the arrear, and to the payment of *malikanah* to the *malguzars*.

Rules in modification of certain sections of Regulation II. 1819.

Collectors, &c. employed in making a settlement of lands, to issue a notification, and to require the appearance before him, of all persons holding lands free of assessment.

Who are to continue their attendance from day to day, and to produce all *sunnuds* or other writings under which they claim to hold the lands rent free or at a fixed *jumma*.

Collectors, &c. engaged in the settlement of *mohauls*, empowered to have such lands measured without awaiting a previous reference to the Board of Revenue.

Collectors, upon commencing the settlement of *mohauls*, to give public notice by an *ishtihar* one

*Second.* The said provisions shall likewise be in force in all estates, which may now or hereafter be held *khas*, during the period for which they may be so managed.

*Third.* The provisions aforesaid shall also apply to the Sunderbunds, the hill lands of Bhaugulpore, and other extensive forests and wastes, not included within the limits of *pergunnahs*, *mouzahs*, or other revenue divisions, specified at the time of settlement as belonging to the *mohauls* then assessed; as well as to all estates bordering on such forests or wastes.

III. It shall be competent to the Governor General in Council to vest any collector, or other officer exercising the powers of collector, within the provinces of Bengal, Behar, Orissa, and Benares, with the several powers specified in Section 20, Regulation VII. 1822, in the manner specified in the second clause of that section, within such local limits as may from time to time appear to be advisable: and the several provisions contained in Section 21, and the fourteen following sections, shall apply to the several *pergunnahs* or other local divisions so placed under the jurisdiction of the collector, or other officer aforesaid.

IV. Whenever an arrear of revenue shall accrue on account of any *mohaul*, for which an engagement may have been taken from the proprietors or persons recorded as proprietors, not being an estate of which the assessment has been fixed in perpetuity, and the *malguzars* shall fail to discharge the same within one month of the date on which it became due, then if there shall appear to be any objection to the sale of the estate, and the arrears cannot otherwise be recovered, (on which points the decision of the revenue authorities is to be held conclusive,) it shall be competent to the collector, or other officer exercising the powers of collector, with the sanction of the Board, and subject to the orders of Government, to annul the existing engagements with the *malguzars*, and to let the *mohaul* in farm for such period, not exceeding fifteen years, as the Governor General in Council may appoint, or to hold the *mohaul* under *khas* management for a like period. In such cases, if the *mohaul* shall yield a higher *jumma* than that for which the *malguzars* may have engaged, the excess shall in the first place be appropriated to the liquidation of the arrear due on account of it, or such portion thereof as the farmer may not have separately agreed to discharge or as may not otherwise have been recovered, and, out of any surplus remaining, the *malguzars* shall receive such *malikanah*, not being less than 5 per cent. nor more than 10 per cent. on the assessment of the last year of their engagement, as the Governor General in Council may direct.

V. *First.* The following rules are enacted in modification of Sections 5, 6, 8, 10, 11, 13, 15, 22, and 30. of Regulation II. 1819.

*Second.* Whenever a collector, or other officer exercising the powers of collector, shall visit or be about to visit any *mohaul*, for the purpose of making a settlement in the manner prescribed in Regulation VII. 1822, it shall be competent to him, by a notification to be stuck up in some conspicuous place within such *mohaul* and each village thereof, if consisting of several villages, to require all persons holding lands free of assessment, or at a fixed *jumma* within or adjoining to the village or villages in which the lands of such *mohaul* or any part thereof may be situated, to appear before him either in person or by *vakeel* within a reasonable time, not being less than one month from the date of such notification, at such place within the *mohaul* as he may select for holding his office, and to attend him from day to day while he may continue within the *mohaul*, with all *sunnuds* or other writings in virtue of which they may possess the lands, or under which the lands may have been or may be claimed, to be held free of assessment or at a fixed *jumma*, together with any evidence they may desire to have taken in support of their claims.

*Third.* It shall likewise be competent to collectors and other officers aforesaid, when engaged in the settlement of any *mohaul* under the rules of the regulation above mentioned, or preparatory thereto, to measure or cause to be measured, without a previous reference to the Board of Revenue, all lands, whether *malguzaree* or *lakheraj*, belonging or adjoining to the village or villages in which such *mohaul* or any part thereof may be situated.

*Fourth.* When the collector or other officer aforesaid shall have commenced the settlement of any *mohaul*, in regard to which he may have issued a notification as aforesaid, and shall propose to hear the claims of persons holding lands free of assessment or at a fixed *jumma*, and to receive their *sunnuds* and other writings as aforesaid or any of them, the period fixed

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in the notification for the attendance of such parties being arrived, he shall on the day preceding that on which he may intend to hold proceedings in the said cases or any of them, notify such intention by an *ishtahar* stuck up in his office, and in some place, open to the public, within the *mohaul*.

**Fifth.** If any person holding land free of assessment or at a fixed *jumma* as aforesaid, shall fail to attend either in person or by *vakeel* after notice being given in the manner above prescribed, the collector shall be competent to proceed *ex parte* to investigate the title of such party to hold the land in his possession free of assessment; and with the sanction of the Board of Revenue to resume the said lands, if they appear to be held on an invalid title. Nor shall any person defaulting as above, or neglecting to appear and give answer when required to do so in the manner prescribed in Regulation II. 1819, be entitled to stay the resumption and assessment of his lands, under the rule contained in the 22d section of that regulation. Provided further, that the rule contained in clause second Section 13, Regulation II. 1819, shall be and be held applicable to such persons, as well as to persons who may appear when summoned under the provisions of that regulation, or in the manner hereinbefore provided.

**Sixth.** It shall be competent to collectors and other officers making settlements as aforesaid, either to complete the investigation of the claims of persons holding land free of assessment or at a fixed *jumma*, under the rules of the fifteenth and following sections of Regulation II. 1819, with the modification hereinafter provided, during the progress of the settlement; or to limit their proceedings to the ascertainment of the land actually held under such tenures, and the record of the title deeds produced by the parties; postponing the further investigation of the case to a future period. When any collector or other officer may postpone the investigation of any case as aforesaid, he shall at the same time notify to the party the time and place at which the further investigation is to be held, or if circumstances prevent him from doing so, he shall before resuming the inquiry give the party one month's notice to attend: and on the failure of any party to attend when so warned, the collector or other officer aforesaid shall be competent to proceed to try the case *ex parte*, and with the sanction of the Board, to resume and assess the lands.

**Seventh.** Collectors or other officers who may proceed to investigate claims to *lakheraj* lands during the progress of a settlement, shall follow the rules of the fifteenth and following sections of Regulation II. 1819, in all cases wherein the parties may attend and deny the liability of their lands to assessment, subject to the modifications hereinafter provided.

**Eighth.** No lands shall be resumed by a collector, even though the parties may confess that they are liable to assessment, without the sanction of the Board of Revenue, save and except as hereinafter provided: but on such confession duly attested, which will of course supersede the necessity of any further inquiry, it shall be competent to the Board forthwith to direct the lands to be assessed, unless the same be held by village or *zemindaree* servants in lieu of wages, which shall not be resumed without the sanction of Government. Provided also, in all cases wherein it may appear to the Board, that the resumption of lands held free of assessment would occasion serious distress to the holders, it shall be their duty to submit a report of the circumstances to the Governor General in Council.

**Ninth.** The provisions of clause first, Section 23, Section 25, and Section 28, Regulation VII. 1822, shall be applicable to cases investigated by collectors, under the rules of Regulation II. 1819, or under the provisions of this regulation.

**Tenth.** It shall not be necessary to use stamp paper, for the proceedings held, or exhibits filed before the revenue authorities in cases originating with a collector, or other officer of Government, claiming to assess land held free of assessment. But the said authorities are authorized in the said case, as in all other cases wherein they may exercise judicial powers under the provisions of the existing regulations, to award to witnesses their reasonable charges, and to levy the same, as well as all costs adjudged by them, by the process in force for the recovery of arrears of Government revenue.

**Eleventh.** Persons claiming to hold lands exempt from revenue shall, with their petitions of plaint, deliver to the collector or other officer to whom the same may be preferred, all *sunnuds* and other writings on which their claim may be founded; and shall insert in

day previous to that on which it is intended to hold proceedings in any of the cases proposed to be investigated.

Collectors empowered to proceed *ex parte* in investigations, should persons fail to attend after due notice given them.

And with the sanction of the Board of Revenue, to resume such lands, if they appear to be held on an invalid title.

Defaulters neglecting to appear or to furnish the information required from them, not entitled to stay the resumption and assessment of their lands.

Proviso.

Collectors, &c. engaged in making settlements, may either complete the investigations of claims under the rules in force, or limit their proceedings to certain points.

When investigations are postponed, collectors to give the party due notice previous to resuming the inquiry.

And if the party should fail to attend, the case may be tried *ex parte*, and the collector may with the sanction of the Board of Revenue resume and assess the lands.

Collectors, &c. in investigating claims to *lakheraj* lands to be guided by the provisions of Section 15, &c. Regulation II. 1819.

Collectors, &c. prohibited from resuming land, even though the parties acknowledge such lands to be liable to assessment, without the sanction of the Board of Revenue.

The Board in such cases to direct the assessment of the lands, unless they are held by servants in lieu of wages, which are not resumable without the sanction of Government.

Specific provisions of regulations, which the collectors are to consider applicable to cases investigated by them.

Stamp paper for proceedings in cases originating with a collector, declared to be unnecessary.

Witnesses to be awarded all reasonable charges, which as well as costs are to be levied by

the process in force for the recovery of arrears of revenue.

Specification of documents and particulars to be submitted to the collector, by persons claiming to hold lands free of assessment.

Collector, in case the claims should involve only the interests of Government, to proceed in the investigation of it, giving eight days previous notice to the party.

But if the claim be against an individual singly or jointly with Government, the collector is to serve the party with a notice, containing a statement of the demand, and requiring his attendance with the necessary documents and evidence.

Defendant's answer to be given within seven days.

In such cases no further pleadings to be required, but collectors may receive and record such subsidiary proceedings as are calculated to elucidate the claims.

After the receipt of the defendant's answer, eight days notice to be given of the day on which it is proposed to bring it to a hearing.

Proviso in case an immediate decision shall be petitioned for.

Collectors, &c. If of opinion that any tract of land belongs to Government, and that no individual has *bonâ fide* possession thereof, to require by a notification the attendance before him of all claimants within a given period.

And on the appearance of such claimants, to proceed in the investigation of the claims in the mode prescribed by Regulation II. 1819.

Proviso in case no person has *bonâ fide* possession of the land.

Further proviso.

Power reserved to the Governor General in Council to vest any collector, &c. deputed to hold a local inquiry within the limits of any *mohaul*, with the same powers and authority in regard to lands held free of

the said petition a full specification of the several particulars required to be registered by the rules in force, relative to the registry of rentfree tenures, and of the grounds on which their claim is founded. If the claim shall involve only the interests of Government, the collector shall proceed without delay to investigate the case, giving, however, eight days previous notice to the party of the day on which he may propose to bring it to a hearing in the mode prescribed for the civil courts. If the claim shall be against any individual singly or jointly with Government, the collector shall serve him with a notice containing a statement of the demand, and requiring his attendance in person or by *vakeel* duly authorized, within the period of one month, with any papers or evidence he may desire to produce in denial of the claim; and on the appearance of such defendant, the collector, after allowing him to inspect and examine the claimant's petition of plaint and the writings therein referred to, shall call upon him to deliver within the period of seven days a statement of the objections he may desire to urge against the claim. In such cases no other pleadings shall be required from the parties than a plaint and answer, but it shall and may be lawful for collectors to receive and record such subsidiary pleadings as may appear requisite for the elucidation of the merits of the claim. Collectors shall proceed to investigate every such case as soon as possible after the answer of the defendant shall be received; giving however as aforesaid eight days previous notice to the parties, of the day on which he may propose to bring it to a hearing. Provided, that in cases wherein the parties concerned, or their authorized representatives, shall desire or consent (the same being signified in a written petition or *ikrarnamah* to be filed with the proceedings) to have an immediate decision, whether the case shall originate in a claim on behalf of Government or in the suit of an individual, and whether the proceedings of the collector shall be held under the provisions of Regulation II. 1819, or under those of this or any other regulation touching the matter, it shall be competent to the collector to proceed forthwith to the investigation and decision of the case without issuing any formal summons or notice.

*Twelfth.* Whenever a collector or other officer exercising the powers of collector, shall be of opinion, that any tract of land belongs to Government, and that no individual has *bonâ fide* possession thereof, it shall be competent to him, by a notification, to be stuck up in his *cutcherree*, in the *xillah* court, and in the *cutcherree* of the *canoongoe*, *moonsiff*, or *thanadar*, to whose jurisdiction the land in question may belong or adjoin, to require all claimants to the same to appear before him within a reasonable time to be fixed by the Board of Revenue, not being less than six weeks from the date of such notification; and on the appearance of such claimants, to proceed to investigate their claims in the manner prescribed by Regulation II. 1819, for investigations relative to the liability of lands to be assessed as herein modified. Provided further, that if the collector or other officer aforesaid shall decide that none of the claimants have *bonâ fide* possession of the lands in question, and his decision shall be affirmed by the Board of Revenue, the said lands shall be at the disposal of Government, until the same shall be adjudged to be private property by a decree of court on a regular suit. Provided also, that all such suits, if preferred by one of the claimants before the collector, shall be dismissed with costs unless instituted within six weeks of the date on which the Board may affirm the decision of that officer, and that the rule contained in clause second, Section 13, Regulation II. 1819, shall be strictly applied to such suits: nor shall any suit be admitted on the part of any person who may not have appeared before the collector pursuant to notice, unless he shall be able to show good and sufficient cause for his non-appearance, and shall apply for permission to sue within six weeks of his being informed of the Board's decision. Provided further, that if the party shall not prosecute his suit within six weeks of being permitted to sue, the suit shall be dismissed with costs.

VI. It shall be competent to the Governor General in Council, by an order in council, to vest any collector or other officer who may be deputed to hold a local inquiry within the limits of any *mohaul*, with the same powers and authority in regard to all lands held free of assessment within or adjoining to the village or villages, in which the lands of such *mohaul* or any part thereof may be situated, and for the investigation of all claims touching such lands as by the foregoing provisions are vested in collectors making settlements in the manner prescribed by Regulation VII. 1822: and also from time to time to depute collectors

## A. D. 1825. REGULATION IX.

tors or other officers aforesaid for the purpose of ascertaining, recording, or investigating the said claims in the manner above prescribed.

VII. The particulars of all lands held free of assessment within all villages and *mohaul's* of which the settlement may be made under the provisions of Regulation VII. 1822, shall be fully recorded in the proceedings of the collector or other officer making the settlement.

VIII. Nothing contained in Regulation II. 1819, or in any other regulation in force, shall affect or be considered to affect the provisions contained in Section 10, Regulation XIX. 1793, Section 11, Regulation XXXI. 1803, and in the corresponding enactments applicable to Benares, and the conquered provinces, relative to grants illegally made subsequently to the dates specified in the said rules respectively : and in all cases, in which it shall be established, to the satisfaction of the revenue authorities, that any lands now held free of assessment, were subject to the payment of revenue at the dates aforesaid or subsequently thereto, and that they have not been thereafter exempted from the payment of revenue under the authority of the Governor General in Council, nor adjudged to be exempted from payment of revenue under a regular decree of court : it shall and may be lawful for the said authorities forthwith to resume and assess the said lands : save and except in cases wherein the revenue of the same may belong to a *zemindar*, *talookdar*, or other *malguzar*, with whom a permanent settlement has been concluded : nor shall the provisions of Section 22, Regulation II. 1819, apply to such cases.

IX. It is hereby declared and enacted, that the rules relative to the abolition of *sayer* duties, and the provision contained in Section 39, Regulation IX. 1810, are not and shall not be held to be applicable to any item of *sewage* collections or cess levied by *malguzars* and others according to ancient custom, which has been or shall be sanctioned by a collector or other superior revenue authority, not being a tax on the transport, export, or import of goods or merchandise, or other tax or duty specifically prohibited : but after the settlement of any village or *mohaul* shall have been made in the manner specified in Section 9, Regulation VII. 1822, the rules and provisions aforesaid shall be applicable to all cesses and collections not sanctioned in the manner specified in that section.

assessment in all villages adjoining such *mohaul*

All lands held free of assessment within villages and *mohaul's*, of which the settlement may be made under Regulation VII. 1822, to be particularized and fully recorded on the proceedings of the collector, &c.

Nothing contained in Regulation II. 1819, &c. to be construed to affect specific enactments applicable to Benares and the conquered provinces, relative to illegal grants of land made subsequent to the dates specified in the rules respectively.

Lands now held free of assessment, that were formerly subject to the payment of revenue, and have not since become exempted by competent authority, may be resumed and assessed by the revenue authorities.

Exception in cases where the revenue may belong to *zemindar*, &c. with whom a permanent settlement has been concluded.

The rules relative to the abolition of the *sayer* duties, and the provisions contained in Section 39, Regulation IX. 1810, declared inapplicable to any item of *sewage* collections or cess levied by *malguzars*, &c.

After the settlement of any *mohaul* shall have been made, the rules adverted to shall be applicable to all cesses not sanctioned in the mode specified in Section 9, Regulation VII. 1822.



## A. D. 1825. REGULATION X.



A REGULATION *more distinctly to define the Meaning and Intent of the Provisions contained in Regulations XXXI. of 1793, and XXXVII. of 1803, which prescribe Rules for the Conduct of Commercial Residents carrying on Trade for themselves.*  
 —PASSED by the Governor General in Council, on the 19th May, 1825; corresponding with the 7th Jeyte 1232 Bengal era; the 17th Jeyte 1232 Fussily; the 8th Jeyte 1232 Wallaity; the 1st Jeyte 1882 Sumbut; and the 30th Ruzmaan 1240 Higerec.

**BY** the several clauses of Section 15, Regulation XXXI. of 1793, and the corresponding clauses of Section 15. of Regulation XXXVII. of 1803, rules are prescribed for the conduct of commercial residents, in carrying on trade for themselves; and whereas the seventh, eighth, and tenth clauses of the abovementioned sections, have not been construed to prohibit commercial residents from being engaged in partnership concerns in trade, and it being deemed expedient strictly to prohibit commercial residents and their assistants from having concerns in partnership with any person or persons under any modification whatever, and it being also expedient clearly to define what is meant by the partnership transactions which are prohibited; the following additional rules have been enacted, to be in force from the period of their promulgation.

II. Commercial residents and their assistants, are strictly prohibited from engaging in any commercial transaction in partnership with any person or persons, under any modification whatever; and any of the said commercial servants, who may now be actually so engaged, are required to dissolve such partnership concern, on or before the 31st December 1826, and to give to the Board of Trade a declaration in writing, that such partnership is dissolved.

III. It is hereby declared, that the rule enacted by the preceding section, is not to be construed to forbid commercial residents or their assistants, from becoming members of insurance companies, or from being contributors to a tontine or parties in any general association, the objects of which were not contemplated by Section 15, Regulation XXXI. of 1793, and by Section 15. Regulation XXXVII. of 1803.

Preamble.

Commercial residents and their assistants prohibited from engaging in any commercial transaction in partnership with other persons, and partnership concerns now existing to be dissolved on or before the 31st December 1826.

But are not forbidden from becoming members of insurance companies, or contributors to a tontine or parties in any general association.



# A. D. 1825. REGULATION XI.



A REGULATION for declaring the Rules to be observed in determining Claims to Lands gained by Alluvion, or by Dereliction of a River, or the Sea.—PASSED by the Governor General in Council, on the 26th May 1825; corresponding with the 14th Jeyte 1232 Bengal era; the 24th Jeyte 1232 Fussily; the 15th Jeyte 1232 Willaity; the 9th Jeyte 1882 Sumbut; and the 17th Sawaul 1240 Higeree.

IN consequence of the frequent changes which take place in the channel of the principal rivers that intersect the provinces immediately subject to the presidency of Fort William, and the shifting of the sands which lie in the beds of those rivers, *churs*, or small islands, are often thrown up by alluvion in the midst of the stream, or near one of the banks, and large portions of lands are carried away by an encroachment of the river on one side, whilst accessions of land are at the same time, or in subsequent years, gained by dereliction of the water on the opposite side; similar instances of alluvion, encroachment, and dereliction, also sometimes occur on the sea coast which borders the southern and south eastern limits of Bengal. The lands gained from the rivers or sea by the means above mentioned, are a frequent source of contention and affray, and although the law and custom of the country have established rules applicable to such cases, these rules not being generally known, the courts of justice have sometimes found it difficult to determine the rights of litigant parties claiming *churs* or other lands gained in the manner above described. The court of Sudder Dewanny Adawlut, with a view to ascertain the legal provisions of the Mahomedan and Hindoo laws on this subject, called for reports from their law officers of each persuasion, and on consideration of the reports furnished by the law officers in consequence, as well as of the decisions which have been passed by the court of Sudder Dewanny Adawlut in cases brought before them in appeal which involved the rights of claimants to lands gained by alluvion, or by dereliction of rivers or the sea, the Governor General in Council has deemed it proper to enact the following rules for the general information of individuals, as well as for the guidance of the courts of judicature; to be in force, as soon as promulgated, throughout the whole of the provinces subject to the presidency of Fort William.

Preamble.

II. Whenever any clear and definite usage of *shekust pywust*, respecting the disjunction and junction of land, by the encroachment or recess of a river, may have been immemorially established, for determining the rights of the proprietors of two or more contiguous estates divided by a river, (such as that the main channel of the river dividing the estates shall be the constant boundary between them, whatever changes may take place in the course of the river, by encroachment on one side, and accession on the other,) the usage so established shall govern the decision of all claims and disputes relative to alluvial land, between the parties whose estates may be liable to such usage.

Claims and disputes relative to alluvial lands to be decided by immemorial and definite usage, when such shall be clearly recognised and established.

III. Where there may be no local usage of the nature referred to in the preceding section, the general rules declared in the following section, shall be applied to the determination of all claims and disputes, relative to lands gained by alluvion or by dereliction either of a river or the sea.

Where no such local usage may be established, the claims to be decided by the rules declared in the following sections.



## A. D. 1825. REGULATION XI.

Lands gained by gradual accession from the recess of a river or the sea, to be considered an increment to the tenure of the person to whose estate it may be annexed.

Proviso.

**IV. First.** When land may be gained by gradual accession, whether from the recess of a river, or of the sea, it shall be considered an increment to the tenure of the person to whose land or estate it is thus annexed, whether such land or estate be held immediately from Government, by a *zemindar* or other superior landholder, or as a subordinate tenure by any description of under-tenant whatever. Provided that the increment of land thus obtained shall not entitle the person in possession of the estate or tenure to which the land may be annexed, to a right of property or permanent interest therein beyond that possessed by him in the estate or tenure to which the land may be annexed, and shall not in any case be understood to exempt the holder of it, from the payment to Government of any assessment for the public revenue, to which it may be liable under the provisions of Regulation II. 1819, or of any other regulation in force. Nor if annexed to a subordinate tenure, held under a superior landholder, shall the under-tenant, whether a *khodkast ryot*, holding a *mauroosee istemtaree* tenure at a fixed rate of rent per *beegha*, or any other description of under-tenant liable by his engagements, or by established usage to an increase of rent for the land annexed to his tenure by alluvion, be considered exempt from the payment of any increase of rent to which he may be justly liable.

When a river by a sudden change of its course may break through and intersect an estate, the lands so separated, being clearly recognised, shall remain the property of the original owner.

**Second.** The above rule shall not be considered applicable to cases in which a river, by a sudden change of its course, may break through and intersect an estate, without any gradual encroachment, or may by the violence of its stream separate a considerable piece of land from one estate, and join it to another estate, without destroying the identity, and preventing the recognition of the land so removed. In such cases the land, on being clearly recognised, shall remain the property of its original owner.

*Churn* or islands thrown up in a large and navigable river, (the channel between the islands and the shore not being fordable,) to be at the disposal of Government.

**Third.** When a *chur* or island may be thrown up in a large and navigable river, (the bed of which is not the property of an individual,) or in the sea, and the channel of the river or sea, between such island and the shore, may not be fordable, it shall, according to established usage, be at the disposal of Government. But if the channel between such island and the shore, be fordable at any season of the year, it shall be considered an accession to the land tenure or tenures of the person or persons, whose estate or estates may be most contiguous to it, subject to the several provisions specified in the first clause of this section, with respect to increment of land by gradual accession.

But if fordable, to whom they shall belong.

Claims to *churn*, &c. thrown up in small and shallow rivers how to be determined.

**Fourth.** In small and shallow rivers, the beds of which, with the *julker* right of fishery, may have been heretofore recognised as the property of individuals, any sand bank or *chur* that may be thrown up, shall, as hitherto, belong to the proprietor of the bed of the river, subject to the provisions stated in the first clause of the present section.

Disputes relative to lands gained by alluvion or by dereliction of a river or the sea, not provided for by the provisions of the present regulation, how to be adjusted.

**Fifth.** In all other cases, viz. in all cases of claims and disputes respecting land gained by alluvion, or by dereliction of a river or the sea, which are not specifically provided for by the rules contained in this regulation; the courts of justice, in deciding upon such claims and disputes, shall be guided by the best evidence they may be able to obtain of established local usage, if there be any applicable to the case, or if not, by general principles of equity and justice.

Encroachments on beds of navigable rivers and other obstructions to their free navigation prohibited.

**V.** Nothing in this regulation shall be construed to justify any encroachments by individuals on the beds or channel of navigable rivers, or to prevent the *zillah* and city magistrates or any other officers of Government, who may be duly empowered for that purpose, from removing obstacles which appear to interfere with the safe and customary navigation of such rivers, or which shall, in any respect, obstruct the passage of boats by tracking on the banks of such rivers, or otherwise.

## A. D. 1825. REGULATION XII. \*

A REGULATION for defining the Powers of the Courts of Circuit, and of the Nizamut Adawlut, in certain Cases; for the uniform Punishment of Contempts of Court in any of the Courts of Judicature, civil or criminal; for exempting Females from corporal Punishment by Stripes, and for discontinuing the Corah as an Instrument of Punishment in all Cases.—PASSED by the Governor General in Council, on the 26th May 1825; corresponding with the 14th Jeyte 1232 Bengal era; the 24th Jeyte 1232 Fussily; the 15th Jeyte 1232 Willaity; the 9th Jeyte 1882 Sumbut; and the 7th Sowaul 1240 Higeree.

**W**HEREAS it appears expedient to restrict the criminal courts from adjudging corporal punishment by stripes, in cases of affray and contempt of court; to discontinue the use of the *corah*, as an instrument of punishment, in all cases; to exempt females from corporal punishment by stripes; to establish an uniform rule for the punishment of contempts of court in any of the courts of judicature, civil or criminal; to reduce in some degree the number of trials now referrible to the court of Nizamut Adawlut, by providing for a final sentence to be passed by the courts of circuit, in cases of culpable homicide, not amounting to murder and other cases, in which the courts of circuit are declared competent to pass sentence for a period of imprisonment not exceeding seven years, with a provision for referring the trial to the Nizamut Adawlut, if the judge of circuit shall in any instance consider the stated punishment to be insufficient: and whereas it is deemed proper to sanction by a legislative enactment the established practice of the Nizamut Adawlut of requiring the concurrence of at least two judges of that court in all sentences of death; the Governor General in Council has accordingly enacted the following rules, to be in force as soon as promulgated, throughout all the provinces immediately subject to the presidency of Fort William.

Preamble.

II. So much of Regulation II. 1823, or of any other regulation in force, as authorizes the courts of circuit to adjudge corporal punishment by stripes in cases of affray, is hereby rescinded.

III. No female shall hereafter be sentenced to corporal punishment by stripes, either by the magistrates and their assistants, or by any of the courts of criminal justice.

IV. The use of the *corah*, as an instrument of punishment in the execution of sentences of any of the criminal courts, is hereby prohibited. In future the *ratan* shall be used as the only instrument of punishment in the infliction of corporal punishment by stripes. The sentences and warrants of the criminal courts shall direct the same accordingly, and whenever the term "*corah*" is used in the existing regulation, the term "*ratan*" shall be understood as substituted for it, by this regulation.

V. First. Section 59, of Regulation IX. 1793, and Section 28, of Regulation VII. 1803, which authorize the infliction of corporal punishment by ratans for contempt of court in the courts of circuit, are hereby rescinded.

Rescinding the rules which authorize the courts of circuit to adjudge corporal punishment by stripes in cases of affray.

No female to be hereafter sentenced to corporal punishment by stripes by any of the courts of criminal justice.

The use of the *corah*, as an instrument of punishment, prohibited in all cases, and the *ratan* to be used in its stead.

The term *corah* in the regulations to be changed to *ratan*.

Corporal punishment by *ratan* for contempt of

Second.

## A. D. 1825. REGULATION XII.

court in the courts of circuit prohibited.

Persons guilty of contempt of court in any of the criminal courts, to be liable to a fine, commutable if not paid to imprisonment in the civil jail.

Rule to be observed on the occurrence of wilful contempts in the courts of the *sudder ameen* and native law officers.

The foregoing rule of commutation of fine to imprisonment to be also applicable to all the civil courts.

And extended to the civil courts of the *sudder ameen* and *moonsiff*, with certain restrictions.

The courts of circuit declared competent to pass final sentences and carry the same into execution, without a reference to the Nizamut Adawlut, in all cases of culpable homicide not amounting to wilful murder.

And in certain other cases.

In what cases a reference may be still made to the Nizamut Adawlut.

In trials referred to the Nizamut Adawlut, the final sentence of death to be in future passed by at least two concurring judges of the court, instead of a single judge.

*Second.* All persons amenable to the authority of the established criminal courts, who may be guilty of contempt of court in any of such courts, shall be liable to a fine, proportionate to the circumstances of the case, not exceeding two hundred rupees, by order of the court, in which the offence may be committed; and if the fine be not paid, the offender shall be confined in the civil jail of the station, for such period as may be fixed in commutation thereof, not exceeding two months.

*Third.* This rule is meant to include wilful contempts in the courts of the native law officers and *sudder ameens* to whom complaints of petty offences may be referred for trial, under the provisions of Regulation III. 1821, but the orders passed by the law officers and *sudder ameens* in such cases, shall be immediately reported to the local magistrate or joint magistrate, with a copy of the proceeding held in the case, for his consideration and orders.

VI. *First.* The above rule, commuting the penalty of fine when not paid to imprisonment for a period not exceeding two months, shall also be considered applicable to all the civil courts, already authorized by the regulations in force to punish contempts of court in open court, by a fine not exceeding two hundred rupees.

*Second.* It is further hereby extended to the courts of the *sudder ameens* and *moonsiffs*, with this restriction, that all fines for contempt which may be imposed by a *moonsiff*, or by a *sudder ameen* in his civil court, shall, previous to the enforcement of them, be reported with a copy of the proceeding held in the case, for the information and orders of the local judge or register, in like manner as fines on witnesses refusing to give evidence, or to subscribe their depositions, in the court of a *moonsiff*, are required to be reported by the rule contained in the third clause of Section 31, Regulation XXIII. 1814.

VII. *First.* In all cases wherein a prisoner or prisoners, may be convicted before a court of circuit, of culpable homicide, not amounting to wilful murder, as well as in all other cases of a criminal conviction before the court of circuit, wherein those courts are expressly authorized by the regulations to pass a final sentence, not exceeding imprisonment for the term of seven years, with or without stripes and hard labour, (provision being at the same time made by the rules now in force, that if in any instance such a punishment appear to the judge of circuit insufficient, he is to refer the trial for the sentence of the Nizamut Adawlut,) it shall not hereafter be necessary to make such reference, solely on the ground of supposed insufficiency of the stated punishment, which the court of circuit is empowered to adjudge. In all future cases of this nature, the judge of circuit concurring with his law officer in the conviction of the prisoner, shall pass the sentence authorized by the regulations; and shall order the same to be carried into execution without reference to the Nizamut Adawlut.

*Second.* Provided that nothing in the above clause shall be understood to preclude a reference to the Nizamut Adawlut, as heretofore, in cases wherein the sentence, which the judge of circuit is required to pass by any regulation in force, shall appear to him too severe on due consideration of the nature and circumstances of the case.

VIII. In trials referred to the Nizamut Adawlut which may include one or more prisoners liable to a sentence of death, it shall not be competent to a single judge of the Nizamut Adawlut to pass the final sentence, which in all such cases, shall be passed by at least two concurring judges of the court.

## A. D. 1825. REGULATION XIII.



A REGULATION to maintain the Settlement made for certain Lands held exempt from the Payment of Revenue by *Canoongoes*, in the Province of Behar ; and to provide for the future Settlement of such Lands, as well as of the Lands composing other resumed *lakheraj* Tenures, with the present Occupants, when so directed by Government.—PASSED by the Governor General in Council, on the 7th July 1825 ; corresponding with the 25th Assaer 1232 Bengulera ; the 7th Sawun 1232 Fussily ; the 26th Assaer 1232 Willaity ; the 7th Sawun 1882 Sumbut ; and the 19th Zekual 1240 Higeree.

**W**HEREAS it was enacted by Section 5, Regulation II. of 1816, that the revenue of lands held by *canoongoes*, generally in the province of Behar, in virtue of their offices, should be liable to resumption ; and accordingly under that law, various resumptions of lands so held took place, and the parties to whom the *zemindaree* interest in the same appeared to belong, were admitted to engage for the Government revenue ; but on the consideration of the proceedings held under the provisions of the above rule, it appeared to the Governor General in Council to be improper wholly to deprive the *canoongoes*, or their representatives, of the advantages derived from such lands, and enjoyed by them for a long course of years ; and it was accordingly resolved by Government, on the 14th February 1822, that in cases where the lands had been occupied and managed by the *canoongoes*, or their representatives, and the rents received by them, they should be replaced in possession of such lands, and a settlement made with them on the principle prescribed by clause second, Section 8, Regulation XIX. of 1793, viz. the revenue to be paid to Government to be equal to one-half of the annual produce (or rental) of the lands, calculated according to the rates at which other lands in the *pergunnah* of a similar description may be assessed, securing to the proprietors of the soil such *malikanah* or other allowance, as they might have received prior to the resumption of the official *minhye* tenure : and whereas the existing laws relative to the settlement of resumed *lakheraj* tenures, are not properly applicable to the case, and it appears to be expedient expressly to provide for the maintenance, by the courts of judicature, of the arrangement above described, in order that the *canoongoe minhyedars* may be secured in the possession (subject to the quit-rent fixed by Government) of the land, rents, and produce, heretofore possessed by them : and whereas it is desirable to provide for the settlement, on the same principle, of any lands that may be resumed under the corresponding rules relating to *canoongoes*, and their official tenures, in other parts of the country : and whereas it appears to be generally expedient to make a distinct provision for securing to the holders of *lakheraj* lands, resumed by the officers of Government, and assessed on the principle prescribed in clause second, Section 8, Regulation XIX. 1793, the benefits which that law was designed to bestow ; and to declare the competency of Government in other cases to continue the persons, who have heretofore occupied lands free of assessment, or their representatives, in the possession of the same, notwithstanding such lands being made subject to assessment ; the following rules have been enacted for these purposes respectively, to be in force throughout the territories subject to the presidency of Fort William, from the date of the promulgation of this regulation.

Preamble

## A. D. 1825. REGULATION XIII.

Under certain circumstances *minhyedars* and their heirs may be continued by Government in possession of resumed lands heretofore held as *lakheraj* tenures by *canoongoes*.

Subject to assessment.

Restriction on parties claiming *zemindaree* interest or other proprietary right,

Who are prohibited from disturbing the possession of *minhyedars*, whose possession has been sanctioned by Government.

Proviso.

The tenures of *minhyedars* so situated, declared to be hereditary and transferable; but should they escheat to Government, the parties possessing *zemindaree* interest will be admitted to engage for the revenue, subject to a fresh assessment.

The principles of the above section to be applicable to all cases of *lakheraj* resumptions coming within certain rules.

Modifications of former regulations relative to the settlement of resumed *jaghire*, *altumgah*, *muddumansh*, *ayma*, or other *badshahee* grants, and to the resumption of *lakheraj* tenures.

II. In cases of *lakheraj* tenures resumed under the provisions of Regulation IV. 1808, Regulations II. and V. 1816, or any other regulation in force, relative to lands held by *canoongoes* by virtue of their offices, where the *minhye* or *lakheraj* tenure, and the right of property in the land, are vested in distinct parties, it shall be competent to the Governor General in Council, by instruction to the Revenue Board, or other authority empowered to make the resumption, to continue the *minhyedars* and their heirs, in possession and management of such lands, subject to such assessment as he shall judge it proper to direct: and the parties claiming the *zemindaree* interest, or other proprietary right in such *mohauls*, shall not be entitled to any land-rent, produce, or profit beyond what they may have enjoyed up to the period of the resumption of the tenure, or would have been entitled to receive, in the event of Government having confirmed the same in perpetuity, free of assessment. Persons consequently claiming to be *maliks* of the said lands, who, during the continuance of the *lakheraj* tenure, had not possession of the same, whether they received a *malikanah* allowance, or otherwise, shall not disturb the possession of the *minhyedars*, or their heirs and representatives, in any case wherein the Governor General in Council may have sanctioned such possession; and any suit preferred by such persons in a court of judicature, to recover possession, contrary to the intent and meaning of this rule, shall be dismissed with costs. Provided however, that in all cases of the nature above-mentioned, wherein the *zemindar* or other proprietor of the land, may have received *malik nah* or proprietary due, during the existence of the *lakheraj* tenure, he shall continue to receive the same, notwithstanding the resumption of the *lakheraj*, in like manner as if such resumption had not taken place.

III. The tenures of the *minhyedars* which have been confirmed to them, with the sanction of Government, by the arrangement referred to in the preamble of this regulation, or which may be so confirmed, in conformity with the preceding section, are declared to be hereditary and transferable: but should they escheat to Government, the parties possessing a *zemindaree* interest or other proprietary right in the lands, will be admitted to engage for the revenue, subject to a fresh assessment, to be adjusted on the actual assets under the general regulations.

IV. The principles of Sections 2. and 3. of this regulation shall be considered applicable to all cases of *lakheraj* resumption under the general regulations in force, which may come within the favourable rule of assessment contained in the second clause of Section 8, Regulation XIX. 1793, in the provinces of Bengal, Behar, and Orissa, or the second clause of Section 8, Regulation XLI. 1795, in the province of Benares; it being the evident intention of the rule in question, that it should be applied to persons who had been long in possession of the *lakheraj* tenures made subject to assessment by the regulations above cited; and whom it appeared equitable, in consideration of their long possession, to leave in occupancy of the lands composing their respective tenures, at a moderate assessment, not exceeding a moiety of the annual rent produce.

V. In modification of the existing rules contained in Regulations XXXVII. 1793, XLII. 1795, and XXXVI. 1803, or any other regulation in force, relative to the settlement of resumed *jaghire*, *altumgah*, *muddumansh*, *ayma*, and other grants of land termed *badshahee*, or royal; and generally in qualification and explanation of all the rules in force relative to the resumption of *lakheraj* tenures and the future assessment of lands composing the same; it is hereby further declared, that whenever such tenures may be pronounced invalid or extinct, by a Revenue Board, or other authority empowered to investigate the *lakheraj* title in such tenures, under the provisions of Regulation II. 1819, or of any other regulation in force, it shall be competent to the Governor General in Council, on a special report of the circumstances of the case, when it may appear just and proper, in consideration of the long possession of the actual occupant of the land or of his ancestors, to direct his continuance in possession, though not the *zemindar*, *talookdar*, or other *malik* of the land, on his engaging for the future assessment, on such terms as may be prescribed by Government; and in such cases the whole of the provisions contained in Sections 2. and 3. of this regulation, shall be deemed applicable, and be maintained by the courts of judicature accordingly.

## A. D. 1825. REGULATION XIV.



**A REGULATION** to declare the Extent of the Authority possessed by the Revenue Authorities, subordinate to the Governor General in Council, in the Confirmation of *lakheraj* Tenures; to define the Principles to be followed in determining on the Force and Validity of Grants, made by Persons exercising Authority in different Quarters previously to the Acquisition of the Country by the British Government; and to provide for the due Application of the general Laws and Regulations respecting Lands held free of Assessment, to the Territory ceded by Govind Rao to the British Government, and annexed to the Zillah of Bundelcund, under the Provisions of Regulation II. 1818.—PASSED by the Governor General in Council, on the 14th July 1825; corresponding with the 32d Assaah 1232 Bengal era; the 14th Sawun 1232 Fussily; the 1st Sawun 1232 Willaity; the 13th Sawun 1882 Sumbut; and the 26th Zekual 1240 Higeree.

**W**HEREAS doubts have arisen as to the extent of the authority possessed by the revenue authorities subordinate to the Governor General in Council, in regard to the confirmation of *lakheraj* tenures, which it is expedient to remove; and it is also desirable further to define the principles to be followed in determining on the force and validity of grants made by persons exercising authority in different quarters, previously to the acquisition of the country by the British Government; and it is necessary to make provision for the due application of the general rules in force, relative to *lakheraj* tenures, to the territory ceded by Govind Rao to the British Government, and annexed to the *zillah* of Bundelcund under the provisions of Regulation II. 1818: and whereas it is enacted by clause first, Section 26, Regulation II. 1819, that in suits instituted in the *zillah* courts to contest the decisions passed by the Revenue Boards, under the provisions of that regulation, a special appeal only shall lie to the provincial courts, and that in like manner, in cases decided in the first instance by a provincial court, excepting cases ultimately appealable to the King in Council, an appeal shall be received by the Sudder Dewanny Adawlut on special grounds only; and it appears to be expedient that the above restriction should not apply to cases wherein the decision of the court may be opposed to the judgment of the Board of Revenue, or other authority exercising the powers of that Board, but that such cases should be open to a regular appeal; the following rules have been enacted, in addition to, and in modification of, the provisions of Regulations XIX. and XXXVII. 1793, Regulations XLI. and XLII. 1795, Regulations XXXI. and XXXVI. 1803, of such parts of Regulations VIII. and XII. 1805, as refer to *lakheraj* lands, and of Regulation II. 1819; to be in force, from the date of their promulgation, throughout the provinces immediately subject to the presidency of Fort William.

Preamble.

II. It is hereby declared and enacted that the power of granting *lakheraj* tenures, viz. tenures of land exempt from the public assessment, either for life, or in perpetuity, as well as of confirming such tenures, excepting by a regular judgment passed after a judicial inquiry, belongs and always has belonged exclusively to the supreme Government; and no act,

*Lakheraj* tenures declared not to be valid, except when granted or confirmed under the sanction of Government,

Or confirmed by a competent court of judicature, in a suit regularly tried and decided, or by a Revenue Board acting under special rules in a judicial capacity.

Right of Government to assess *lakheraj* lands not barred by resolutions or orders of certain officers and authorities, except as above excepted.

Rules for trying the validity of grants made by persons previously to the acquisition of the country by the British Government.

*Lakheraj* tenures, of which uninterrupted possession shall have been held exempt from assessment at and after certain dates, to be held valid.

And in certain cases continued to heirs.

Proviso in cases of a derivative tenure from a *jaghiredar* or other person, who held rent-free lands under a temporary or conditional tenure.

In such cases parcels of land so held to follow the condition of the principal tenure.

The proof of the title to rest with the persons claiming to hold or recover the *lakheraj* tenure.

One or more successions to any tenure, previous to the periods above specified, not to establish a title of inheritance, unless it be of a hereditary nature.

order, or decision, granting or confirming any tenure as aforesaid, within any of the territories subordinate to this presidency, after the annexation of such territories to the British dominions, shall be held valid, unless the same shall have been done, issued, or passed, by or under the immediate directions of the Governor General in Council; or by some officer expressly authorized by Government to grant or confirm such tenures, or with respect to the confirmation of grants duly authorized, by some competent court of judicature in a suit regularly tried and decided by it; or by one of the Revenue Boards acting in a judicial capacity, under the rules of Regulation VIII. 1811, whilst that regulation (rescinded by Section 2, of Regulation II. 1819) was in force; and subsequently under the rules of Regulation II. 1819, or any other regulation expressly empowering the Revenue Boards, after full investigation of claims to exemption from assessment under the general rules applicable to *lakheraj* tenures, to pronounce a decision against the assessment, to be considered final, except on proof, in a court of judicature, of fraud or collusion in the previous inquiry. Provided also, that no resolution or order passed by the Lieutenant Governor, and the Board of Commissioners in the ceded and conquered provinces, the Board of Revenue, or other authority exercising the powers of that Board, whereby the right of Government to assess any *lakheraj* lands may have been relinquished, or postponed, save and except decisions regularly passed according to the rules above cited, shall operate to the prejudice of Government, or be held to bar the revenue authorities from proceeding for the recovery of the public dues under the provisions of Regulation II. 1819, or any other rules in force, relative to the resumption of *lakheraj* tenures, held under invalid grants.

**III. First.** The following principles are to be observed, in determining the force and validity of grants made by persons exercising authority in the provinces subordinate to this presidency, previously to the acquisition of the country by the British Government.

**Second.** *Lakheraj* tenures, of which uninterrupted possession shall have been held exempt from assessment at and subsequently to the periods undermentioned, shall be and be considered to be valid, without evidence to any formal grant or confirmation of the same; and shall be continued to heirs in cases in which it may be clearly shown, from the nature and denomination of the tenure, that it is hereditary according to the ancient usage of the country; viz. the 12th August 1765, if the tenure be in Bengal, Behar, or Orissa, (excepting Cuttack); the 14th October 1791, if the tenure be in Cuttack, including Puttaspore or its dependencies; the 1st July 1775, if the tenure be in the province of Benares; the 10th November 1789, if the tenure be in the provinces ceded by the Nawaub Vizier in November 1801; the 1st January 1792, if in any of the provinces ceded by Dowlut Rao Scindia and the Peishwa under the treaties of the 16th and 30th December 1803; the 1st November 1805, if in the *pergunnah* of Khandah or other territory ceded by Nana Govind Rao on the 1st November 1817. Provided however, that the above rule shall not apply to cases of derivative tenures, wherein it may appear that the tenure is derived from a *jaghiredar* or other person, who at any of the periods above specified held lands free of assessment under a temporary or conditional tenure. In all such cases, the parcels of the land so held shall follow the condition of the principal tenure; and if that be resumable, will consequently be liable to resumption.

**Third.** The proof of possession in the cases provided for by the preceding clause, and (in the case of persons not the original grantees) of the hereditary nature of the tenure, shall be on the parties claiming to hold or recover the *lakheraj* tenure: the general principle being that the ruling power is entitled to a certain proportion of the produce of every *beegha* of land, excepting so far as it shall have transferred, relinquished, or compounded its right thereto; and all parties claiming the benefit of such exceptions being bound to establish their respective claims and titles.

**Fourth.** Provided also, that although one or more successions of any tenure as aforesaid may have taken place before the periods specified in the second clause, the fact shall not be taken to establish a title of inheritance, unless the tenure be clearly of an hereditary nature; or unless the right of inheritance therein shall have been admitted by the Governor General in Council, on a reference made to Government according to the rules in force applicable to such cases.

## A. D. 1825. REGULATION XIV.

**Fifth.** The courts of judicature and revenue authorities shall not recognise any potentate or person, as having been vested with the supreme power within any part of the provinces subordinate to this presidency, save and except the kings of Delhi, the *sobadars* of Bengal, Behar, and Orissa, and the several authorities specified in Regulation XLII. 1795, Regulation XXVI. 1803, and Regulations VIII. and XII. 1805; and with respect to the territory ceded by Nana Govind Rao, save and except Raja Chuttersaul, and his predecessors, previously to the Mahratta conquest of that territory in the year 1802 of the Sumbut era (corresponding with 1730 of the Christian era); and subsequently thereto His Highness the Peishwa, who then obtained the supreme authority in the territory referred to. If in any case grants shall be produced, purporting to have been made or confirmed by any other person than as aforesaid, alleged to have been vested with the supreme power for the time being, and it shall appear to the court or other authority investigating the same, that the plea is well founded, the court or other authority before whom the case may be depending, shall, before passing any decision thereupon, refer the point to the Governor General in Council, and be guided by his determination.

The courts of judicature and revenue authorities shall not recognise any potentate or authorities, save the persons described in this clause, to have been vested with supreme power.

**Sixth.** To the validity of grants made or confirmed by the kings of Delhi, or by any of the rulers aforesaid, it is and shall be held to be necessary;

Conditions requisite to establish the validity of grants made by the kings of Delhi or other of the authorities above specified.

1st. That they were made or confirmed within the period, during which the person granting or confirming the same possessed and exercised supreme power within the territory in which the lands specified in the grant are situate.

2d. That the grantee actually and *bonâ fide* obtained possession of the land granted within the said period.

3d. That the grant was not subsequently resumed by the officers or the orders of the Government for the time being, previously to the acquisition of the country by the British Government, or, if so resumed, that the competence of the officer to resume shall have been expressly disallowed by the Governor General in Council.

**Seventh.** The following shall be held, for the purposes specified in this regulation, to be the periods at which the several provinces subordinate to this presidency were acquired by the British Government, viz. for Bengal, Behar, and Orissa, (excepting Cuttack,) the 12th August 1765; for Benares the 1st July 1775; for the provinces ceded by the Nawaub Vizier the 1st January 1801; for the provinces ceded by Dowlut Rao Scindia and the Peishwa the 1st January 1803; for the province of Cuttack, Puttaspore, and its dependencies the 14th October 1803; for the *pergannah* Khandah and the other territory ceded by Nana Govind Rao, the 1st November 1817.

Specification of the periods at which the several provinces subordinate to the presidency of Fort William were acquired by the British Government.

**Eighth.** To the validity of grants not made or confirmed by the supreme power, (excepting tenures of long possession, described in the second clause of this section,) it shall be held to be necessary;

Conditions necessary to the validity of grants not made or confirmed by the supreme power.

1st. That they were made or confirmed by some authority which the Governor General in Council shall have expressly declared competent to make or confirm the same.

2d. That the grantee actually and *bonâ fide* obtained possession of the land granted; and that the revenue of the land was not subsequently resumed by competent authority.

**Ninth.** Provided also that in cases in which any *lakheraj* tenure may have been resumed previously to the acquisition of the country by the British Government, the determination of the question, whether the officer, by whom, or by whose order the resumption may have been made, was legally competent to do so, shall in all cases, wherein it may be necessary to determine this question, rest with the Governor General in Council. Moreover, all questions touching the validity of grants made or confirmed by any officer subordinate to the supreme power, or the legal effect of resumption by any such officer, which may not have been expressly provided for by the regulations, and which may be material to the decision of any suit or inquiry, shall be referred by the courts of judicature, or other authorities making the investigation, to the Governor General in Council for determination; unless the powers and competence of the officer in question shall have been previously determined by Government.

Certain questions regarding *lakheraj* tenures resumed previously to the acquisition of the country by the British Government, to be decided by the Governor General in Council.

Further questions to be referred to the Governor General in Council.



## A. D. 1825. REGULATION XIV.

The present regulation not to be applicable to lands not exceeding 10 *beeghas*, the produce of which is appropriated to religious or charitable uses.

Decisions passed before the promulgation of the present regulation, in opposition to the principles declared, shall be open to revision in the court wherein the case was decided, and to appeals.

Proviso.

Modification of Section 26, Regulation II. 1819.

IV. Nothing in this regulation shall be construed to affect the provisions contained in Regulation XIX. 1793, Regulation XLI. 1795, Regulation XXXI. 1803, and Regulation XII. 1805, relative to lands, not exceeding 10 *beeghas*, of which the produce is *bonâ fide* appropriated to religious or charitable uses.

V. Decisions passed by any court of judicature before the promulgation of this regulation, in opposition to the principles therein declared, without due regard to the restricted powers of the revenue authorities as defined in this regulation, shall be open to revision in the court wherein the case may have been decided; as well as to a regular as special appeal, (according as the case may have been already decided on appeal or otherwise,) notwithstanding the elapse of time since the decision was passed: provided that the petition for a review or appeal, be presented to the proper court in the manner prescribed by the regulations, within one year after the promulgation of this regulation; or if presented at a later period, that good and sufficient reason be assigned for delay. Provided further, that if the decision shall have been passed by a provincial court, or by the court of Sudder Dewanny Adawlut, it shall be competent to a majority of the judges of such court to admit the petition for a review, and to try and decide the case anew under the provisions of this regulation, whether they may have joined in passing the former decisions or not; the restriction in Section 3, Regulation II. 1815, being hereby, as a special exception, declared inapplicable to such cases.

VI. In modification of the rules contained in Section 26, Regulation II. 1819, it is hereby enacted, that in cases wherein a *zillah* court shall annul or alter a judgment passed by the Board of Revenue, or other authority exercising the powers of that Board, under the provisions of the above-mentioned regulation, a regular appeal shall lie to the provincial court. In like manner, in cases tried in the first instance by a provincial court, if the decision of that court shall reverse or alter the judgment of the Board of Revenue or other authority aforesaid, a regular appeal shall lie to the court of Sudder Dewanny Adawlut, although the amount in contest shall be less than five thousand pounds sterling. The provisions of the above-mentioned section shall however still be applicable to cases in which the *zillah* or provincial courts may maintain the decisions of the revenue Boards, or other authorities exercising the powers of these Boards.

# A. D. 1825. REGULATION XV.



A REGULATION to make certain Alterations in the Rates of Duty charged, and Drawbacks allowed on Goods imported or exported by Sea at the Port of Calcutta, or any other Place within the Territories immediately subordinate to the Presidency of Fort William; and to amend and consolidate the Rules in Force relative to such Duties and Drawbacks.—PASSED by the Governor General in Council, on the 14th July 1825; corresponding with the 32d Assaah 1232 Bengal era; the 14th Sawun 1232 Fussily; the 1st Sawun 1232 Willaity; the 13th Sawun 1882 Sumbut; and the 26th Zakaada 1240 Higeree. \*

**W**HEREAS in pursuance of a treaty recently concluded between the British Government and the Government of the Netherlands, it has become necessary to alter the rates of duty chargeable on goods imported and exported on Foreign bottoms: and whereas it has also appeared to be expedient to reduce, in certain cases, the duties now levied or retained on goods imported and exported on British bottoms: and whereas it will essentially promote the public convenience, to consolidate and simplify the existing rules (modified as aforesaid) relative to the duties and drawbacks to be charged or allowed, on imports and exports by sea; the following rules have been enacted, to be in force from the date of their promulgation.

**II. First.** Such parts of the rules contained in Regulation IX. 1810, Regulation III. 1811, Regulation XII. 1813, Regulation IV. 1815, Regulations XV. XVI. and XXI. 1817, Regulation V. 1820, and Regulation V. 1823, as have reference to the rate of duty to be levied, or the drawback to be allowed, on goods imported or exported by sea at Calcutta, or any other port or place within the territories immediately subordinate to the presidency of Fort William, are hereby rescinded.

Preamble.

Rescission of existing provisions. ✓

**Second.** Regulation X. 1816, is also hereby rescinded.

Ditto.

**Third.** The several provisions which were rescinded or modified by the rules above-mentioned, shall continue to be respectively rescinded or modified, as before the enactment of this regulation.

Certain provisions to continue rescinded or modified.

**III. First.** Goods imported by sea into Calcutta or any other port or place belonging to the presidency of Fort William, on British or on Foreign bottoms, shall be severally subject to the duties specified in the schedule No. I. annexed to this regulation, with the exceptions therein stated. Provided, however, that the rules contained in Section 5, Regulation XXI. 1817, shall still be applicable to goods, which may be originally imported by sea on a British bottom, at any port in the territories subject to the British Government in India; and shall afterwards be re-exported to Calcutta, or any port immediately dependant on this presidency.

Imports by sea to be charged with duties, specified in schedule No. I. annexed to this regulation.

Proviso.

**Second.** Goods imported by sea as aforesaid, and charged with an import duty under the above rule, shall, on re-exportation, be allowed a drawback at the several rates, specified in the schedule No. II. annexed to this regulation: and no drawback of import duty shall be granted excepting as therein specifically allowed.

Re-exports to be allowed a drawback, as specified in schedule No. II.

**Third.** Articles the produce or manufacture of Calcutta, or of the interior of the country, shall, on exportation by sea, be respectively passed free, or subjected to duty, or allowed a drawback, according to the directions contained in the schedule No. III. annexed to this regulation; and the said schedule, together with those mentioned in the two preceding clauses, shall be, and be considered, a part of this regulation.

Duties chargeable and drawbacks allowed on articles, the produce and manufacture of the country, when exported by sea, to be regulated by schedule No. III.

SCHEDULE

# A. D. 1825. REGULATION XV.

## SCHEDULE No. I.

Rates of Duty chargeable on Goods imported by Sea into Calcutta, or any Port or Place belonging to the Presidency of Fort William.

Enumeration of Goods.	Imported on a British bottom.	Imported on a Foreign bottom.
1st. Goods, the produce or manufacture of the United Kingdom,		
1. Bullion and coin, ...	Free. ...	Free.
2. Horses, ...	Free. ...	Free.
3. Marine Stores, ...	Free. ...	2½ per Cent.
4. Metals, wrought and unwrought, ...	Free. ...	2½ per Cent.
5. Opium, ...	24 Rs. a seer of 80 Sa. Wt.	48 Rs. a seer of 80 Sa. Wt.
6. Precious Stones and Pearls, ...	Free. ...	Free.
7. Salt, ...	{ 3 Rs. a maund of 82 Sa. Wt. per seer. }	6 Rs. a maund of 82 Sa. Wt. per seer.
8. Spirituous Liquors, ...	10 per Cent. ...	20 per Cent.
9. Tobacco, ...	{ 4 Annas a maund of 80 Sa. Wt. per seer. }	8 Annas a maund of 80 Sa. Wt. per seer.
10. Wines, ...	10 per Cent. ...	20 per Cent.
11. Woollens, ...	Free. ...	2½ per Cent.
Articles not included in the above eleven items, }	2½ per Cent.	5 per Cent.
2d. Goods, the produce of Foreign Europe, or of the United States of America.		
1. Arrack at a fixed valuation of £30 per cask of 126 gallons, }	10 per Cent. ...	20 per Cent.
2. Bullion and Coin, ...	Free. ...	Free.
3. Horses, ...	Free. ...	Free.
4. Opium, ...	24 Rs. a seer of 80 Sa. Wt.	48 Rs. a seer of 80 Sa. Wt.
5. Precious Stones and Pearls, ...	Free. ...	Free.
6. Salt, ...	{ 3 Rs. a maund of 82 Sa. Wt. per seer. }	6 Rs. a maund of 82 Sa. Wt. per seer.
7. Spirits, ...	10 per Cent. ...	20 per Cent.
8. Tobacco, ...	{ 4 Annas a maund of 80 Sa. Wt. a seer. }	8 Annas a maund of 80 Sa. Wt. per seer.
9. Wines, ...	10 per Cent. ...	20 per Cent.
Articles not included in the above nine items, }	5 per Cent.	10 per Cent.
3d. Goods, the produce or manufacture of places other than the United Kingdom, Foreign Europe, or the United States of America.		
1. Allspice, ...	10 per Cent.	20 per Cent.
2. Aloe Wood, ...	7½ ditto.	15 ditto.
3. Alah, ...	7½ ditto.	15 ditto.
4. Alum, ...	10 ditto.	20 ditto.
5. Ambergris, ...	7½ ditto.	15 ditto.
6. Arrack, Batavia, ...	55 Sa. Rs. per Leagur.	110 Sa. Rs. per Leagur.
7. Arrack, from Foreign Territories in Asia, }	30 Sa. Rs. per Leagur.	60 Sa. Rs. per Leagur.
8. Arsenic, White, Red, or Yellow, ...	10 per Cent.	20 per Cent.
9. Asafetida, ...	10 ditto.	20 ditto.
10. Awl Root, or Morinda, ...	7½ ditto.	15 ditto.
11. Beads, Malas, or Rozaries, ...	7½ ditto.	15 ditto.
12. Beetle Nut, (Customs,) ...	7½ ditto.	15 ditto.
Ditto, (Town Duty,) ...	5 ditto.	10 ditto.
13. Benjamin, or Loban, ...	7½ ditto.	15 ditto.
14. Brandy, from Foreign territories in Asia, }	30 ditto.	60 ditto.
15. Brass, wrought and unwrought, ...	10 ditto.	20 ditto.
16. Brimstone, ...	10 ditto.	20 ditto.
17. Brocades and Embroidered Goods, ...	7½ ditto.	15 ditto.
18. Buhera, or Myrobolan, ...	10 ditto.	20 ditto.

# A. D. 1825. REGULATION XV.

Enumeration of Goods.		Imported on a British Bottom.	Imported on a Foreign Bottom.
19.	Buckum, or Sapan Wood,	... 7½ ditto.	... 15 ditto.
20.	Bullion and Coin.	... Free.	... Free.
21.	Calizeerah, or Nigellah,	... 7½ per Cent.	... 15 per Cent.
22.	Camphire,	... 10 ditto.	... 20 ditto.
23.	Canvas,—excepting Canvas made of Sunn or Hemp, or other material the growth or manufacture of places subject to the Government of the East India Company, which is exempted from charge of duty on importation by sea,	... 5 ditto.	... 10 ditto.
24.	Cardamums,	... 7½ ditto.	... 15 ditto.
25.	Carriages and Conveyances,	... 7½ ditto.	... 15 ditto.
26.	Cassia,	... 10 ditto.	... 20 ditto.
27.	Chanks,	... 7½ ditto.	... 15 ditto.
28.	Cherayta,	... 10 ditto.	... 20 ditto.
29.	China Goods, or Goods from China, not otherwise enumerated in this table,	... 7½ ditto.	... 15 ditto.
30.	Cloves,	... 10 ditto.	... 20 ditto.
31.	Cochineal, or Crimdanah,	... 7½ ditto.	... 15 ditto.
32.	Coffee,	... 7½ ditto.	... 15 ditto.
33.	Coir the produce of places not subject to the Government of the East India Company in India,	... 5 ditto.	... 10 ditto.
34.	Coin and Bullion,	... Free.	... Free.
35.	Columbo Root,	... 10 per Cent.	... 20 per Cent.
36.	Coosum Fool, or Safflower,	... 7½ ditto.	... 15 ditto.
37.	Copal, or Kahroba,	... 10 ditto.	... 20 ditto.
38.	Copper, wrought and unwrought,	... 10 ditto.	... 20 ditto.
39.	Coral,	... 10 ditto.	... 20 ditto.
40.	Cordage,—excepting Cordage made of Sunn, Hemp, or other material the produce of places subject to the Government of the East India Company, which shall be exempt from the charge of duty on importation by sea.	... 5 ditto.	... 10 ditto.
41.	Crimdanah, or Cochineal,	... 7½ ditto.	... 15 ditto.
42.	Dhyc Flower,	... 7½ ditto.	... 15 ditto.
43.	Elephant's Teeth,	... 7½ ditto.	... 15 ditto.
44.	Embroidered Goods and Brocades,	... 7½ ditto.	... 15 ditto.
45.	Frankincense, or Gundiberoza,	... 7½ ditto.	... 15 ditto.
46.	Galbanum,	... 10 ditto.	... 20 ditto.
47.	Galingall,	... 7½ ditto.	... 15 ditto.
48.	Ghee, (Customs,)	... 5 ditto.	... 10 ditto.
	Ditto, (Town duty,)	... 10 ditto.	... 20 ditto.
49.	Gin, from Foreign territories in Asia,	... 30 ditto.	... 60 ditto.
50.	Goopee Muttee, or Yellow Ochre,	... 10 ditto.	... 20 ditto.
51.	Goomootoo, Sunn, and Hemp,	... Free.	... Free.
52.	Gum Arabic,	... 10 per Cent.	... 20 per Cent.
53.	Gundiberoza, or Frankincense,	... 7½ ditto.	... 15 ditto.
54.	Hemp, Sunn, or Goomootoo,	... Free.	... Free.
55.	Hurrah, or Myrobolan,	... 10 per Cent.	... 20 per Cent.
56.	Horses,	... Free.	... Free.
57.	Hursinghar Flower,	... 7½ ditto.	... 15 ditto.
58.	Hurtaul, or Orpiment, or Yellow Arsenic,	... 10 ditto.	... 20 ditto.
59.	Iron, wrought or unwrought,	... 10 ditto.	... 20 ditto.
60.	Ivory,	... 7½ ditto.	... 15 ditto.
61.	Juttamunsee, or Spikenard,	... 10 ditto.	... 20 ditto.
62.	Kullinjun,	... 7½ ditto.	... 15 ditto.
63.	Lead, pig, sheet, milled, and small shot,	... 10 ditto.	... 20 ditto.
64.	Loadh,	... 7½ ditto.	... 15 ditto.
65.	Loban, or Benjamin,	... 7½ ditto.	... 15 ditto.

# A. D. 1825. REGULATION XV.

Enumeration of Goods.		Imported on a British Bottom.	Imported on a Foreign Bottom.
66.	Mace,	10 per Cent.	20 per Cent.
67.	Madder, or Munjeet,	7½ ditto.	15 ditto.
68.	Mahogany, and all other sorts of wood used in Cabinet-work,	7½ ditto.	15 ditto.
69.	Mastick,	0 ditto.	20 ditto.
70.	Minium, or Red Lead,	0 ditto.	20 ditto.
71.	Morinda, or Awl Root,	½ ditto.	15 ditto.
72.	Munjeet, or Madder,	½ ditto.	15 ditto.
73.	Musk,	½ ditto.	15 ditto.
74.	Myrobolans, viz. Buhera, Hurra, and Ownla,	0 ditto.	20 ditto.
75.	Myrrh,	0 ditto.	20 ditto.
76.	Nutmegs,	0 ditto.	20 ditto.
77.	Oils, Vegetable or Animal, (Customs,).. Ditto, ditto, (Town duty,)	½ ditto. ½ ditto.	15 ditto. 10 ditto.
78.	Oil Seeds, (Customs,).. Ditto, (Town duty,)	½ ditto. ½ ditto.	15 ditto. 10 ditto.
79.	Oils, perfumed or essential, or Otter } and Fooley Teyll,	7½ ditto.	15 ditto.
80.	Opium, Foreign,	{ 24 Rs. per seer of 80 } Cal. Sa. Wt.	{ 48 Rs. per seer of 80 Cal. } Sa. Wt.
81.	Orpiment, or Yellow Arsenic or Hurtai	10 per Cent.	20 per Cent.
82.	Otter, or Essential Oils,	7½ ditto.	15 ditto.
83.	Ownla, or Myrobolan,	10 ditto.	20 ditto.
84.	Pepper, black and white,	10 ditto.	20 ditto.
85.	Piece Goods—Cotton, Silk, and partly Cotton and partly Silk, the manu- facture of the Honorable Compa- ny's territories in India,	2½ ditto.	5 ditto.
86.	Ditto, ditto ditto, when not the manu- facture of the Honorable Compa- ny's territories in India,	7½ ditto.	15 ditto.
87.	Pimento, or Allspice,	10 ditto.	20 ditto.
88.	Pipe Staves,	7½ ditto.	15 ditto.
89.	Precious Stones and Pearls,	Free.	Free.
90.	Prussian Blue,	10 per Cent.	20 per Cent.
91.	Puteha Paut,	7½ ditto.	15 ditto.
92.	Quicksilver,	10 ditto.	20 ditto.
93.	Rattans,	7½ ditto.	15 ditto.
94.	Red Sandal Wood,	7½ ditto.	15 ditto.
95.	Red Lead, or Minium,	10 ditto.	20 ditto.
96.	Rose Water,	7½ ditto.	15 ditto.
97.	Rum, from Foreign territories in Asi	30 ditto.	60 ditto.
98.	Saffron,	10 ditto.	20 ditto.
99.	Safflower, or Coosoom Fool,	7½ ditto.	15 ditto.
100.	Sago,	7½ ditto.	15 ditto.
101.	Salt, Foreign,	{ 3 Rs. per maund of 82 } Sa. Wt. per seer.	{ 6 Rs. per maund of 82 sa } Wt. per seer.
102.	Sandal Wood, red, white, or yellow,	7½ per Cent.	15 per Cent.
103.	Sappan, or Buckum Wood,	7½ ditto.	15 ditto.
104.	Senna,	10 ditto.	20 ditto.
105.	Soonamookey Leaf,	10 ditto.	20 ditto.
106.	Spikenard, or Jattamunsee.	10 ditto.	20 ditto.
107.	Spirituons Liquors, not otherwise de- scribed in this table,	10 ditto.	20 ditto.
108.	Steel, wrought and unwrought,	10 ditto.	20 ditto.
109.	Storax,	10 ditto.	20 ditto.
110.	Stones (precious), and pearls,	Free.	Free.
111.	Sugar, wet or dry, including Jaggry and Molasses, (Customs,) Ditto ditto, (town duty,)	5 per Cent. 10 ditto.	10 per Cent. 10 ditto.
112.	Sulphur, or Brimstone,	10 ditto.	20 ditto.
113.	Sunn, Hemp, and Goomootoo,	Free.	Free.
114.	Tape,	7½ per Cent.	15 ditto.

**A. D. 1825. REGULATION XV.**

Enumeration of Goods.	Imported on a British Bottom.	Imported on a Foreign Bottom.
115. Taizepaut, or Malabathrum Leaf,	... 10 per Cent.	... 20 per Cent.
116. Tea,	... 10 ditto.	... 20 ditto.
117. Teak Timber,	... Free.	... Free.
118. Thread,	... $7\frac{1}{2}$ per Cent.	... 15 per Cent.
119. Tin and Tin Ware,	... 10 ditto.	... 20 ditto.
120. Tobacco, (Customs,)	... { 4 Annas per Maund of 80 Sa. W. } ... { per seer. }	... 8 Annas per maund of 80 S. W. ... per seer.
Ditto, (Town duty,)	... 10 per Cent.	... 20 per Cent.
121. Toond Flower,	... $7\frac{1}{2}$ ditto.	... 15 ditto.
122. Tugger Wood,	... $7\frac{1}{2}$ ditto.	... 15 ditto.
123. Turmeric, (Customs,)	... 5 ditto.	... 10 ditto.
Ditto, (Town duty,)	... 5 ditto.	... 10 ditto.
124. Tutenague,	... 10 ditto.	... 20 ditto.
125. Ugger, or Aloe Wood,	... $7\frac{1}{2}$ ditto.	... 15 ditto.
126. Vermillion,	... 10 ditto.	... 20 ditto.
127. Verdigris,	... 10 ditto.	... 20 ditto.
128. Wax and Wax Candles,	... 10 ditto.	... 20 ditto.
129. Wines and Spirits, not otherwise provided for,	... { 10 ditto. }	... 20 ditto.
130. Wood of all sorts, used in Cabinet-work,	... $7\frac{1}{2}$ ditto.	... 15 ditto.
131. Yellow Ochre, or Goopee Mattee,	... 10 ditto.	... 20 ditto.
132. Articles not enumerated above,	... 5 ditto.	... 10 ditto.



## SCHEDULE No. II.

**DRAWBACK ALLOWED ON RE-EXPORTS.**

[illegible]

A. D. 1825. REGULATION XV.

[illegible]

# A. D. 1825. REGULATION XV.

	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM.			
	If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.		If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
3. Altah, {	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.
4. Alum, ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...
5. Ambergris, ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...	ditto. ...
6. Arrack, Batavia, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{4}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...
7. Arrack, Manufacture of other Foreign Territories in Asia, ...	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.
8. Arsenick, white, red, or yellow, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
9. Asafoetida, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
10. Awl Root, or Morinda, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
11. Beads, Malas, and Rosaries, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
12. Beetlenuts, (Customs),	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
Ditto, (Town Duty), ...	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.
13. Benjamin, or Loban, ...	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
14. Brandy, Manufacture of Foreign Territories in Asia, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{4}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...
15. Brass and Brass Ware, ...	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.
16. Brimstone, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
17. Brocades and Embroidered Goods, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...
18. Buhera, or Myrobalan, ...	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.
19. Buckum or Sappan Wood, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...
20. Bullion and Coin, ...	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
21. Calizeerah, or Nigellah, ...	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.
22. Camphire, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{4}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{4}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...
23. Canvas, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
24. Cardamums, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
25. Carriages and Conveyances, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
26. Cassia, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
27. Chunks, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
28. Cheraytah, ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...
29. China, ...								



# A. D. 1825. REGULATION XV.

	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM.			
	If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.		If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
29. China Goods or goods from China not otherwise enumerated in this Table,	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
30. Cloves, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
31. Cochineal or Crimdanah,	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
32. Coffee, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
33. Coir, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
34. Coin and Bullion,	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...
35. Columbo Root,	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }
36. Coosoom Fool, or Safflower,	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
37. Copal, or Kahroba,	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
38. Copper and Copper-ware,	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }
39. Coral, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
40. Cordage, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
41. Crimdanah or Cochineal,	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
42. Dhye Flower,	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
43. Elephant's Teeth, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
44. Embroidered Goods and Brocades,	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
45. Frankincense or Gundeberoza,	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }
46. Galbanum, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
47. Gallingall, ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
48. Ghee, (Customs,) Ditto, (Town Duty,	$\frac{1}{2}$ ditto. ... Whole amount of Duty. }	$\frac{1}{2}$ ditto. ... Whole amount of Duty. }	$\frac{2}{3}$ ditto. ... Whole amount of Duty. }	$\frac{1}{2}$ ditto. ... Whole amount of Duty. }	$\frac{1}{2}$ ditto. ... Whole amount of Duty. }	$\frac{2}{3}$ ditto. ... Whole amount of Duty. }	$\frac{2}{3}$ ditto. ... Whole amount of Duty. }	$\frac{2}{3}$ ditto. ... Whole amount of Duty. }
49. Gin, Manufacture of Foreign Territories in Asia,	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }
50. Goopee Matte, or Yellow Ochre,	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
51. Goomootoo, Sunn, and Hemp,	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...
52. Gum Arabic,	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }
53. Gundeberoza, or Frankincense,	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...
54. Hemp,								

**A. D. 1825. REGULATION XV.**

	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM.			
	If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.		If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
54. Hemp, Sunn, and Goomootoo, }	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil.
55. Hurrah or Myrobolan, ... }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ of Import Duty. }
56. Horses, ... }	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil.
57. Hursingahr Flower, ... }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
58. Hurtaul, or Yellow Arsenic, or Orpiment, }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
59. Indigo, the produce of the British territories in India, on a fixed valuation of 100 Rupees per Factory Md. }	Whole amount of Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{1}{3}$ of Import Duty. }	Whole amount of Duty. }	$\frac{1}{2}$ of Import Duty. }	$\frac{2}{3}$ of Import Duty. }	$\frac{1}{3}$ of Import Duty. }
60. Indigo, other than the produce of the British territories in India, on a fixed valuation of 100 Rupees per Factory Md. }	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ of Import Duty. }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto.
61. Iron, wrought and unwrought, }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto.
62. Ivory, ... }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto.
63. Jutta Munsee or Spiknard, }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
64. Kullinjun, ... }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
65. Lead, Pig, Sheet, Milled, & small Shot, }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
66. Loadh, ... }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
67. Loban, or Benjamin, }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto.
68. Mace, ... }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
69. Madder or Munjeet, }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
70. Mahogany, and Cabinet wood generally, }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
71. Mastick, ... }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
72. Minium or Red Lead, }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.
73. Morinda or Awlroot, }	$\frac{1}{2}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto. ...	$\frac{1}{2}$ ditto. ...	$\frac{2}{3}$ ditto.

# A. D. 1825. REGULATION XV.

	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM.			
	If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.		If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
74. Munjeet or Madder, ...	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.
75. Musk, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
76. Myroholans, viz. Buhera, Hurrah, and Ownlah, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
77. Myrrh, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
78. Nutmegs, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
79. Oils, Vegetable or Animal, (Customs, ...)	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
Ditto ditto, (Town Duty, ...)	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.
80. Oil Seeds, (Customs, ...)	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.
Ditto, (Town Duty, ...)	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.	Whole amount of Duty.
81. Oils, perfumed and essential, or Otter, and Fooel Teyl,	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.
82. Opium, Foreign, ...	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
83. Orpiment, or Yellow Arsenic, or Hurtaul,	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.
84. Otter or Essential Oils, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
85. Ownla or Myrobolan, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
86. Pepper, black and white, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
87. Piece Goods, Cotton, Silk, and mixed with Cotton and Silk, the Manufacture of the Company's Territories, ...	Nil.	Nil.	Nil.	Nil.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
88. Piece Goods generally, the Manufacture of places other than those in this Table, ...	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.

# A. D. 1825. REGULATION XV.

	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM.			
	If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.		If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
89. Pimento or All-Spice, ...	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.
90. Pipe Staves, ...	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
91. Precious Stones and Pearls, ...	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
92. Prussian Blue, ...	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.
93. Putcha Paut, ...	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
94. Quicksilver, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
95. Rattans, ...	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
96. Red Sandal Wood, ...	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
97. Red Lead or Minium, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
98. Rose Water, ...	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
99. Rum, the Manufacture of Foreign Territories in Asia, ...	$\frac{1}{2}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
100. Saffron, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
101. Safflower or Coosoom Fool, ...	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
102. Sago, ...	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
103. Salt, ...	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
104. Sandal Wood, Red, White, or Yellow, ...	$\frac{3}{4}$ of Import Duty.	$\frac{1}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.
105. Sappan or Buckum Wood, ...	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
106. Senna, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
107. Soonamooky Leaf, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
108. Spikenard or Jutta Munsee, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
109. Spirituous Liquors, not otherwise described in this Table, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
110. Steel, wrought and unwrought, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
111. Storax, ...	$\frac{3}{4}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{1}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.	$\frac{3}{4}$ ditto.
112. Stones, Precious, and Pearls, ...	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
113. Sugar and Sugar Candy, including Jaggree and Molasses, (Customs,)	$\frac{3}{4}$ of Import Duty.	$\frac{1}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.

Sugar

# A. D. 1825. REGULATION XV.

	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM			
	If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.		If re-exported to Europe, or the United States of America.		If re-exported to places other than Europe, or the United States of America.	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
Sugar and Sugar Candy, including Ja-gree and Mo-lasses, (Town Duty.)	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.
114. Sulphur or Brimstone,	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.
115. Sunn, Hemp, and Goomotoo,	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
116. Tape,	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.
117. Taizepaut or Malabath- rum Leaf,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
118. Tea,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
119. Teak Tim- ber,	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
120. Thread,	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Im- port Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Im- port Duty.
121. Tin and Tin-Ware,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
122. Tobacco, (Customs.)	Whole a- mount of Duty.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	Whole a- mount of Duty.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
Ditto, (Town Duty.)	Ditto.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Ditto.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.
123. Toond Flower,	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Im- port Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{2}{3}$ of Im- port Duty.
124. Tugger Wood,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
125. Turmeric, Customs,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
Ditto, (Town Duty.)	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.	Whole a- mount of Duty.
126. Tutenague,	$\frac{3}{4}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{2}{3}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{1}{2}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Import Duty.	$\frac{3}{4}$ of Im- port Duty.
127. Uggur or Aloe Wood,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
128. Vermilion,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
129. Verdigris,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
130. Wax and Wax Candles.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
131. Wines and Spirits, not otherwise provided for,	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
132. Wood, Ca- binet,	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
133. Yellow Ochre, or Goo- pee Muttee,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.
134. Articles not enumerat- ed above,	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{2}{3}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.	$\frac{1}{2}$ ditto.

A. D. 1825. REGULATION XV.

SCHEDULE NO. III.

Rates of Duty chargeable, and Drawback allowed on Articles the Produce and Manufacture of the Country, Exported by Sea from Calcutta, or any other Port or Place belonging to the Presidency of Fort William.

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Europe, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.
7½ pr. Ct.	Ajwain or Jowain,	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	2½ per Cent.	Nil.
2½ ditto.	{ All-Spice or } Pimento,	Nil. ...	Nil. ...	2½ per Ct.	Nil. ...	2½ per Ct.	Nil. ...	7½ ditto. ...	Do.
5 ditto.	Alkali, ...	Nil. ...	¾ of Transit Duty.	Nil. ...	Nil. ...	Nil. ...	Nil. ...	5 ditto. ...	Do.
7½ ditto.	{ Aloe Wood or } Uggur,	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	2½ ditto. ...	Do.
10 ditto.	Alum, ...	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	Nil. ...	Nil. ...	10 ditto. ...	Do.
7½ ditto.	Ambergris, ...	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	Nil. ...	Nil. ...	7½ ditto. ...	Do.
2½ ditto.	{ Ambergris } from Nepaul,	Nil. ...	Nil. ...	2½ per Ct.	Nil. ...	2½ per Ct.	Nil. ...	7½ ditto. ...	Do.
7½ ditto.	{ Anise or Mow- } rie, or Souf,	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	2½ ditto. ...	Do.
10 ditto.	{ Arsenic, white, } red or yellow,	Nil. ...	¾ of ditto. ...	Nil. ...	¾ of ditto. ...	Nil. ...	Nil. ...	10 ditto. ...	Do.
10 ditto.	Asafœtida, ...	Nil. ...	¾ of ditto. ...	Nil. ...	¾ of ditto. ...	Nil. ...	Nil. ...	10 ditto. ...	Do.
7½ ditto.	Altah, ...	Nil. ...	¾ of ditto. ...	Nil. ...	¾ of ditto. ...	Nil. ...	¾ of Transit Duty.	2½ ditto. ...	Do.
7½ ditto.	{ Awl Root or } Morinda,	Nil. ...	¾ of ditto. ...	Nil. ...	¾ of ditto. ...	Nil. ...	¾ of ditto. ...	2½ ditto. ...	Do.
7½ ditto.	{ Beetlenut, } (Customs.)	Nil. ...	¾ of ditto. ...	Nil. ...	¾ of ditto. ...	Nil. ...	Nil. ...	7½ ditto. ...	Do.
5 ditto.	{ Ditto, (Town } Duty,)	Nil. ...	Whole amount of Town Duty	Nil. ...	Whole amount of Town Duty	Nil. ...	Whole amount of Town Duty.	Nil. ...	Whole amount of Town Duty.
7½ ditto.	Benjamin or Loban,	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	Nil. ...	Nil. ...	7½ per Cent.	Nil.
2½ ditto.	{ Do. do, from } Nepaul,	Nil. ...	Nil. ...	2½ per Ct.	Nil. ...	2½ per Ct.	Nil. ...	7½ ditto. ...	Do.
Nil.	{ Beads, Malas, } or Rozaries,	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Do.
5 per Ct.	{ Blankets and } Looeyes,	Nil. ...	¾ of Transit Duty.	Nil. ...	Nil. ...	Nil. ...	Nil. ...	5 per Cent.	Do.
2½ ditto.	{ Do. do. from } Nepaul,	Nil. ...	Nil. ...	2½ per Ct.	Nil. ...	2½ per Ct.	Nil. ...	7½ ditto. ...	Do.
Nil.	{ Bombax, or } produce of the	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	Do.
5 per Ct.	{ Semul tree, } Boots, Shoes,	Nil. ...	¾ of Transit Duty.	Nil. ...	Nil. ...	Nil. ...	Nil. ...	5 per Cent.	Do.
5 ditto.	{ and Slippers, } Borax and Tincal,	Nil. ...	¾ of ditto. ...	Nil. ...	Nil. ...	Nil. ...	Nil. ...	5 ditto. ...	Do.
2½ ditto.	{ Do. do. from } Nepaul,	Nil. ...	Nil. ...	2½ per Ct.	Nil. ...	2½ per Ct.	Nil. ...	7½ ditto. ...	Do.
10 ditto.	Brass, unwrought,	Nil. ...	¾ of Transit Duty.	Nil. ...	¾ of Transit Duty.	Nil. ...	Nil. ...	10 ditto. ...	Do.

2½ pr. Ct.

**A. D. 1825. REGULATION XV.**

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Europe, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.
2½ pr. Ct.	Brass, wrought or unwrought, from Nepaul, Brimstone, or Sulphur, ...	Nil.	Nil.	2½ per Ct.	Nil.	2½ per Ct.	Nil.	7½ per Cent.	Nil.
10 ditto.	Brocades and Embroidered Goods, ...	Nil.	½ of Transit Duty.	Nil.	½ of Transit Duty.	Nil.	Nil.	10 ditto.	Do.
7½ ditto.	Do. do. from Nepaul, or Oude, ...	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	Nil.	7½ ditto.	Do.
2½ ditto.	Buhers or Myrobolan, ...	Nil.	Nil.	2½ per Ct.	Nil.	2½ per Ct.	Nil.	7½ ditto.	Do.
7½ ditto.	Buckum or Sappan Wood, ...	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	2½ ditto.	Do.
7½ ditto.	Buggies, Carriages, & Palankeens, ...	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	2½ ditto.	Do.
Nil.	Bullion and Coin, ...	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
7½ pr. Ct.	Calizerah or Nigella, ...	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	2½ per Cent.	Do.
7½ ditto.	Camphire, ...	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	¾ of ditto.	2½ ditto.	Do.
Nil.	Canvas, Cordage, Coir, Hemp, Sunn, or other materials of Country growth, for the manufacture of Canvas or Cordage, ...	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
7½ pr. Ct.	Cardamums, ...	Nil.	¾ of ditto.	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	2½ per Cent.	Do.
7½ ditto.	Carpets and Setringees, ...	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	Nil.	7½ ditto.	Do.
Nil.	Carriages, Buggies, and Palankeens, ...	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
2½ pr. Ct.	Cassia from Nepaul, ...	Nil.	Nil.	2½ per Ct.	Nil.	2½ per Ct.	Nil.	7½ per Cent.	Do.
7½ ditto.	Chanks or Saunks, ...	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.
7½ ditto.	Cheyratah, ...	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	¾ of Transit Duty.	2½ ditto.	Do.
5 ditto.	Chowries, ...	Nil.	¾ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
2½ ditto.	Do. from Nepaul, ...	Nil.	Nil.	Nil.	Nil.	2½ per Ct.	Nil.	7½ ditto.	Do.
7½ ditto.	Chucrassy Wood, ...	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.
10 ditto.	Chunam, ...	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	Nil.	10 ditto.	Do.
5 ditto.	Chuttahs and Putties, ...	Nil.	¾ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
7½ ditto.	Civet, ...	Nil.	¾ of ditto.	Nil.	¾ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.

# A. D. 1825. REGULATION 1825.

Rate of Inland Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Eu- rope, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allow- ed.	Rate of Du- ty to be charged.	Draw- back to be allowed.
1 pr. Ct.	Civet from Nepaul	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Nil.
2½ ditto.	{ Cloves from Nepaul, --- }	Nil.	Nil.	2½ ditto.	Nil.	2½ ditto.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Cochineal or Crimdanah, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	2½ ditto.	Do.
5 ditto.	{ Cocoanuts, with or with- out bark, --- }	Nil.	¾ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
7½ ditto.	Columbo Root, ---	Nil.	¾ of ditto.	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	2½ ditto.	Do.
7½ ditto.	{ Coosoom Fool or Safflower, }	Nil.	¾ of ditto.	Nil.	{ ¾ of ditto. }	Nil.	{ ¾ of ditto. }	2½ ditto.	Do.
7½ ditto.	Copal or Kahrobah,	Nil.	¾ of ditto.	Nil.	{ ¾ of ditto. }	Nil.	{ ¾ of ditto. }	2½ ditto.	Do.
10 ditto.	Copper, un- wrought,	Nil.	¾ of ditto.	Nil.	½ of ditto.	Nil.	Nil.	10 ditto.	Do.
2½ ditto.	{ Copper from Nepaul, wrought or unwrought, }	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
10 ditto.	Coral,	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	Nil.	Nil.	10 ditto.	Do.
7½ ditto.	{ Coriander or Dhunia, }	Nil.	¾ of ditto.	Nil.	{ ¾ of ditto. }	Nil.	{ ¾ of Transit Duty. }	2½ ditto.	Do.
12 As. per md. of 96 Cal- cutta Sa. Weight or 5 per Ct.	{ Cotton Wool, in its clean- ed state, }	Nil.	{ Whole a- mount of Transit Duty. }	Nil.	Nil.	Nil.	Nil.	12 As. per Md. of 96 Sa. Wt. or 5 per Ct. }	Do.
4 As. per Md. of 96 Cal- cutta Sa. Wt. or 5 pr. Cent.	{ Cotton Wool in its unclean- ed state, or in the pod, }	Nil.	{ Whole a- mount of Transit Duty. }	Nil.	Nil.	Nil.	Nil.	4 As. per Md. of 96 Sa. Wt. or 5 per Ct. }	Do.
7½ ditto.	Cotton Yarn,	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	Nil.	Nil.	7½ perCent.	Do.
5 ditto.	Cow Tails,	Nil.	½ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
2½ ditto.	Do. from Nepaul,	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Crimdanah or Cochineal, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	2½ ditto.	Do.
7½ ditto.	Cummin or Jeerah,	Nil.	¾ of ditto.	Nil.	{ ¾ of ditto. }	Nil.	{ ¾ of ditto. }	2½ ditto.	Do.
5 ditto.	Dammer or Rosin,	Nil.	½ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
7½ ditto.	Dhye Flower,	Nil.	¾ of ditto.	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	2½ ditto.	Do.
7½ ditto.	{ Dhunnia or Coriander, }	Nil.	¾ of ditto.	Nil.	{ ¾ of ditto. }	Nil.	{ ¾ of ditto. }	2½ ditto.	Do.
7½ ditto.	Dry Ginger,	Nil.	¾ of ditto.	Nil.	{ ¾ of ditto. }	Nil.	{ ¾ of ditto. }	2½ ditto.	Do.
7½ ditto.	Elephant's Teeth,	Nil.	¾ of ditto.	Nil.	{ ¾ of ditto. }	Nil.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Embroidered Goods and Brocades, }	Nil.	¾ of ditto.	Nil.	{ ¾ of ditto. }	Nil.	Nil.	7½ ditto.	Do.
2½ ditto.	{ Do. do. from Nepaul or Oude, }	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Fooleyl Teyl or Perfum- ed Oils, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	Nil.	Nil.	7½ ditto.	Do.

2½ pr. Ct.



**A. D. 1825. REGULATION XV.**

Rate of Inland Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Eu- rope, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Du- ty to be Charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allow- ed.	Rate of Du- ty to be charged.	Draw- back to be allowed.
2½ pr. Ct.	{ Fooleyl Teyl or Perfumed Oils, from Ne- paul,	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ perCent.	Nil.
7½ ditto.	{ Frankincense or Gundebe- roza,	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.
2½ ditto.	{ Do. do. from Nepaul,	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Fringes, Tape, and Thread,	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.
2½ ditto.	{ Do. from Ne- paul or Oude,	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
5 ditto.	Furs,	Nil.	¾ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
2½ ditto.	Do. from Nepaul,	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
7½ ditto.	Galbanum,	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	2½ ditto.	Do.
10 pr. Ct. Town duty.	{ Ghee,	Nil.	¾ of Town Duty.	Nil.	¾ of Transit Duty.	Nil.	¾ of Town Duty.	Nil.	Do.
5 pr. Ct.	{ Gold & Silver Tissues, Lace, and Thread,	Nil.	¾ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 per Cent.	Do.
10 ditto.	{ Goopee Mut- tee or Yel- low Ochre,	Nil.	¾ of ditto.	Nil.	¾ of Transit Duty.	Nil.	Nil.	10 ditto.	Do.
Nil.	Grain of all sorts,	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
7½ pr. Ct.	Gum Arabic,	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	Nil.	¾ of Transit Duty.	2½ perCent.	Do.
5 ditto.	{ Gunnies and Gunny Bags, Gundeberoza or Frankin- cense.	Nil.	¾ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
7½ ditto.	{ Do. do. from Nepaul,	Nil.	¾ of ditto.	Nil.	¾ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.
2½ ditto.	{ Do. do. from Nepaul,	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
5 ditto.	Hides, Raw,	Nil.	¾ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
7½ ditto.	{ Hookah and Hookah Snakes,	Nil.	¾ of ditto.	Nil.	¾ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Hurrah or My- robolan,	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	¾ of Transit Duty.	2½ ditto.	Do.
7½ ditto.	{ Hursinghar Flower, Hurtaul or Yel	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	¾ of ditto.	2½ ditto.	Do.
10 ditto.	{ low Arsenic, or Orpiment, Jarrool Tim- ber, Red or White,	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	Nil.	10 ditto.	Do.
10 ditto.	{ Jeerah or Cum min,	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	¾ of Transit Duty.	10 ditto.	Do.
7½ ditto.	{	Nil.	¾ of ditto.	Nil.	¾ of ditto.	Nil.	¾ of Transit Duty.	2½ ditto.	Do.

pr. Ct.

# A. D. 1825. REGULATION XV.

Rate of Inland Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Eu- rope, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom		On a British Bottom.		On a Foreign Bottom.	
		Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Draw- back to be allowed.
5 pr. Ct.	Indigo, on a fixed valua- tion of 100 Rs. per Fac- tory maund.	Nil.	Whole a- mount of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 per Cent.	Nil.
5 ditto.	Do. from Ne- paul or Oude,	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$7\frac{1}{2}$ ditto.	Do.
10 ditto.	Indian Red, or Ranga Mut- tee,	Nil.	$\frac{2}{3}$ of ditto.	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	10 ditto.	Do.
$7\frac{1}{2}$ ditto.	Jowain or Aj- wain,	Nil.	$\frac{2}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of Transit Duty.	$2\frac{1}{2}$ ditto.	Do.
10 ditto.	Iron, & Manu- factured Iron.	Nil.	$\frac{2}{3}$ of Transit Duty.	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	10 ditto.	Do.
$2\frac{1}{2}$ ditto.	Do. do. from Nepaul,	Nil.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$7\frac{1}{2}$ ditto.	Do.
$7\frac{1}{2}$ ditto.	Jatta Munsee, or Spikenard,	Nil.	$\frac{2}{3}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	$2\frac{1}{2}$ ditto.	Do.
$7\frac{1}{2}$ ditto.	Ivory,	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	$7\frac{1}{2}$ ditto.	Do.
$7\frac{1}{2}$ ditto.	Kahroba or Co- pal,	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of Transit Duty.	$2\frac{1}{2}$ ditto.	Do.
$7\frac{1}{2}$ ditto.	Keorah Water, Ditto from Ne- paul,	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	$7\frac{1}{2}$ ditto.	Do.
$2\frac{1}{2}$ ditto.	Kutch,	Nil.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$7\frac{1}{2}$ ditto.	Do.
5 ditto.	Lac. Stick. Shell, Cake, and Seed, or Joory,	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
5 ditto.	Shell, Cake, and Seed, or Joory,	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	Nil.	$\frac{1}{3}$ of Transit Duty.	Nil.	Do.
5 ditto.	Lace, Gold and Silver,	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	Nil.	Nil.	5 per Cent.	Do.
5 ditto.	Leather,	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
$7\frac{1}{2}$ ditto.	Loadh,	Nil.	$\frac{2}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	$2\frac{1}{2}$ ditto.	Do.
$7\frac{1}{2}$ ditto.	Loban or Ben- jamin,	Nil.	$\frac{2}{3}$ of ditto,	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	$7\frac{1}{2}$ ditto.	Do.
$2\frac{1}{2}$ ditto.	Do. do. from Nepaul,	Nil.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$7\frac{1}{2}$ ditto.	Do.
$7\frac{1}{2}$ ditto.	Long Pepper and its Root, called Pipa- moor,	Nil.	$\frac{2}{3}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	$2\frac{1}{2}$ ditto.	Do.
5 ditto.	Looeys and Blankets,	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
$2\frac{1}{2}$ ditto.	Do. do. from Nepaul,	Nil.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$7\frac{1}{2}$ ditto.	Do.
$2\frac{1}{2}$ ditto.	Mace, from Nepaul,	Nil.	Nil.	$2\frac{1}{2}$ ditto.	Nil.	$2\frac{1}{2}$ ditto.	Nil.	$7\frac{1}{2}$ ditto.	Do.
$7\frac{1}{2}$ ditto.	Madder or Munjeet,	Nil.	$\frac{2}{3}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	$2\frac{1}{2}$ ditto.	Do.
$7\frac{1}{2}$ ditto.	Mastick, ...	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	$2\frac{1}{2}$ ditto.	Do.
2Rs. each	Matchlocks, to be exported only in the mode directed by Section 85, Regulation IX. of 1810,	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	2 Rs. each.	Do.

2½ pr. Ct.

# A. D. 1825. REGULATION XV.

Rate of Inland Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Eu- rope, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Draw- back to be allowed.
2½ pr. Ct.	{ Malabathram Leaf or Taizepant, from Nepal. }	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ perCent.	Nil.
10 ditto.	{ Minium or Sin- door, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ½ of Transit Duty. }	Nil.	Nil.	10 ditto.	Do.
7½ ditto.	{ Morinda or Awl Root, }	Nil.	{ ¾ of ditto. }	Nil.	{ ½ of ditto. }	Nil.	{ ¾ of Transit Duty. }	2½ ditto.	Do.
7½ ditto.	{ Mowrie, Anise, or Souf, }	Nil.	{ ¾ of ditto. }	Nil.	{ ½ of ditto. }	Nil.	{ ¾ of ditto. }	2½ ditto.	Do.
7½ ditto.	{ Munjeet or Madder, }	Nil.	{ ¾ of ditto. }	Nil.	{ ½ of ditto. }	Nil.	{ ¾ of ditto. }	2½ ditto.	Do.
7½ ditto.	Musk, ...	Nil.	{ ¾ of ditto. }	Nil.	{ ½ of ditto. }	Nil.	Nil.	7½ ditto.	Do.
2½ ditto.	{ Ditto, from Ne- paul, }	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Myrobolans or Buhera, Hur- rah, & Own- lah, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ½ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	2½ ditto.	Do.
7½ ditto.	Myrrh, ...	Nil.	{ ¾ of ditto. }	Nil.	{ ½ of ditto. }	Nil.	{ ¾ of ditto. }	2½ ditto.	Do.
5 ditto.	{ Natron or Suj- jee Muttee, }	Nil.	{ ½ of ditto. }	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
7½ ditto.	{ Nigellah or Ca- lizeerah, }	Nil.	{ ¾ of ditto. }	Nil.	{ ½ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	2½ ditto.	Do.
5 ditto.	{ Nuhs-Sudder or Sal Ammo- niac, }	Nil.	{ ½ of ditto. }	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
2½ ditto.	{ Nutmegs from Nepaul, }	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Oil Seeds, Cus- toms, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ½ of Transit Duty. }	Nil.	Nil.	7½ ditto.	Do.
5 ditto.	{ Do Town Duty, }	Nil.	{ Whole a- mount of Town Duty. }	Nil.	{ Whole a- mount of Town Duty. }	Nil.	{ Whole a- mount of Town Duty. }	Nil.	{ Whole a- mount of Town Duty. }
7½ ditto.	{ Oils, Vegetable or Animal, Customs, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ½ of Transit Duty. }	Nil.	Nil.	7½ per Ct.	Nil.
5 ditto.	{ Do. do. Town Duty, }	Nil.	{ Whole a- mount of Town Duty. }	Nil.	{ Whole a- mount of Town Duty. }	Nil.	{ Whole a- mount of Town Duty. }	Nil.	{ Whole a- mount of Town Duty. }
7½ ditto.	{ Oils, Perfumed or Essential, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ½ of Transit Duty. }	Nil.	Nil.	7½ per Ct.	Nil.
2½ ditto.	{ Do. do. from Nepaul, }	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
Nil.	{ Opium, pur- chased at the Govt. Sales, }	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
10 pr. Ct.	{ Orpiment or Yellow Ar- senic, or Hurtaul, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ½ of Transit Duty. }	Nil.	Nil.	10 per Ct.	Do.
7½ ditto.	{ Otter or Essen- tial Oils, }	Nil.	{ ¾ of ditto. }	Nil.	{ ½ of ditto. }	Nil.	Nil.	7½ ditto.	Do.
2½ ditto.	{ Do. do. from Nepal, }	Nil.	Nil.	2½ perCent.	Nil.	2½ perCent.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Owula or My- robolans, }	Nil.	{ ¾ of Transit Duty. }	Nil.	{ ½ of Transit Duty. }	Nil.	{ ¾ of Transit Duty. }	2½ ditto.	Do. 5 pr. Ct.

**A. D. 1825. REGULATION XV.**

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Eu- rope, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Draw- back to be allowed.
5 pr. Ct.	Paper, Bengal,	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 per Cent.	Nil.
Nil.	{ Palankeens, Carriages, and Buggies, }	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
Nil.	{ Pearls and precious Stones, }	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
10 pr. Ct.	Pecoree,	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	10 per Cent.	Do.
10 ditto.	{ Pepper, Black and White, }	Nil.	$\frac{1}{2}$ of ditto.	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	10 ditto.	Do.
2½ ditto.	{ Piece Goods, Cotton, the manufacture of Company's Ter- ritories, }	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
2½ ditto.	{ Piece Goods, Cotton, from Nepaul, or Oude, }	Nil.	Nil.	2½ per Ct.	Nil.	2½ per Ct.	Nil.	7½ per Cent.	Do.
2½ pr. Ct.	{ Piece Goods, Silk, or part- ly Silk and partly Cot- ton, }	Nil.	Nil.	2½ ditto.	Nil.	2½ ditto.	Nil.	7½ ditto	Do.
2½ ditto.	{ Pimento, or All-Spice, from Nepaul, }	Nil.	Nil.	2½ ditto.	Nil.	2½ ditto.	Nil.	7½ ditto.	Do.
7½ ditto.	Pipe Staves,	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Piplamoor or Long Pep- per Root, }	Nil.	$\frac{1}{2}$ of ditto.	Nil.	$\frac{1}{2}$ of ditto.	Nil.	$\frac{1}{2}$ of Transit Duty.	2½ ditto.	Do.
10 ditto.	Prussian Blue,	Nil.	$\frac{1}{2}$ of ditto.	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	10 ditto.	Do.
Nil.	{ Precious Stones and Pearls, }	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
7½ pr. Ct.	Putch Paut,	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	7½ per Cent.	Do.
2½ ditto.	Do. from Nepaul,	Nil.	Nil.	2½ per Ct.	Nil.	2½ per Ct.	Nil.	7½ ditto.	Do.
5 ditto.	{ Putties and Chuttahs, }	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
10 ditto.	{ Runga Mut- tee or Indian Red, }	Nil.	$\frac{1}{2}$ of ditto.	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	10 ditto.	Do.
7½ ditto.	{ Raw Silk Fi- lature, on a fixed valua- tion of 7 Rs. per Seer of 80 Calcutta Sa. Wt. }	Nil.	$\frac{1}{2}$ of ditto.	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Ditto, Wound do. of 6 Rs. pr. Seer of do. }	Nil.	$\frac{1}{2}$ of ditto.	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	7½ ditto.	Do.

7½ pr. Ct.

# A. D. 1825. REGULATION XV.

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Europe, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.
7½ pr. Ct.	Raw Silk Tushah,	Nil.	$\frac{3}{4}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	Nil.	Nil.	7½ per Cent.	Nil.
7½ ditto.	Do. Chussum,	Nil.	$\frac{1}{4}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	7½ ditto.	Do.
6 ditto.	Raw Hides,	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
7½ ditto.	Rose Water,	Nil.	$\frac{3}{4}$ of ditto.	Nil.	$\frac{1}{3}$ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.
2½ ditto.	Do. from Nepaul,	Nil.	Nil.	2½ per Ct.	Nil.	2½ per Ct.	Nil.	7½ ditto.	Do.
5 ditto.	Rosin or Dammer,	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
Nil.	{ Rozaries, Beads, or Mallahs, }	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
10 pr. Ct.	Saffron,	Nil.	$\frac{2}{3}$ of Transit Duty.	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	10 per Ct.	Do.
7½ ditto.	{ Safflower or Coosoom Fool, }	Nil.	$\frac{2}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of Transit Duty.	2½ ditto.	Do.
5 ditto.	{ Sal Ammoniac or Nuhs-Sudder, }	Nil.	$\frac{1}{4}$ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
7½ ditto.	Saltpetre,	Nil.	$\frac{3}{4}$ of ditto.	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Sandal Wood, Red, White, or Yellow, }	Nil.	$\frac{3}{4}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of Transit Duty.	2½ ditto.	Do.
7½ ditto.	{ Caspan or Buckum Wood, }	Nil.	$\frac{3}{4}$ of ditto.	Nil.	$\frac{1}{4}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	2½ ditto.	Do.
10 ditto.	Saul Timber,	Nil.	$\frac{3}{4}$ of ditto.	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	10 ditto.	Do.
7½ ditto.	{ Saunks, or Chank, }	Nil.	$\frac{3}{4}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	7½ ditto.	Do.
Nil.	Seemul Cotton,	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
7½ pr. Ct.	Senna,	Nil.	$\frac{3}{4}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	Nil.	$\frac{1}{3}$ of Transit Duty.	2½ per Cent.	Do.
7½ pr. Ct.	{ Setrungees and Carpets, }	Nil.	$\frac{3}{4}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	7½ ditto.	Do.
10 ditto.	Shawls,	Nil.	$\frac{3}{4}$ of ditto.	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	10 ditto.	Do.
1 As. each.	{ Shields, to be exported only in the mode directed by Section 85, Regulation IX. of 1810. }	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	1 As. each.	Do.
5 ditto.	{ Shoes, Boots, and Slippers, }	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 per. Cent.	Do.
10 ditto.	Sissoo Timber,	Nil.	$\frac{1}{4}$ of ditto.	Nil.	$\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	10 ditto.	Do.
10 ditto.	{ Sindoor or Minium, }	Nil.	$\frac{1}{4}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	10 ditto.	Do.
7½ ditto.	Sitsaul Wood,	Nil.	$\frac{3}{4}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	7½ ditto.	Do.
7½ ditto.	{ Silk Raw Filature, on a fixed valuation of 6 Rs per Seer, of 80 Calcutta Sa. Wt. }	Nil.	$\frac{1}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	7½ ditto.	Do.

7½ per Ct.

**A. D. 1825. REGULATION XV.**

Rate of Inland Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Eu- rope, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Draw- back to be allowed.
7½ pr. Ct.	{ Silk, Bengal, Wound, on a fixed valua- tion of 6 Rs. per Sr. of 80 Calcutta Sa. Wt.	Nil.	{ ⅔ of Transit Duty.	Nil.	{ ⅓ of Transit Duty.	Nil.	Nil.	7½ per Ct.	Nil.
7½ ditto.	Silk, Tushah,	Nil.	⅔ of ditto.	Nil.	⅓ of ditto.	Nil.	Nil.	7½ ditto.	Do.
7½ ditto.	Silk, Chussum,	Nil.	⅔ of ditto.	Nil.	⅓ of ditto.	Nil.	Nil.	7½ ditto.	Do.
5 ditto.	Soap,	Nil.	⅓ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
7½ ditto.	{ Souf, Anise, or Mowrie,	Nil.	⅔ of ditto.	Nil.	⅓ of ditto.	Nil.	{ ⅓ of Transit Duty.	2½ ditto.	Do.
7½ ditto.	{ Soonamookey Leaf,	Nil.	⅔ of ditto.	Nil.	⅓ of ditto.	Nil.	⅓ of ditto.	2½ ditto.	Do.
10 ditto.	{ Soondry Tim- ber,	Nil.	⅔ of ditto.	Nil.	⅓ of ditto.	Nil.	Nil.	10 ditto.	Do.
7½ ditto.	{ Spikenard, or Jutta Mun- see,	Nil.	⅔ of ditto.	Nil.	⅓ of ditto.	Nil.	{ ⅓ of Transit Duty.	2½ ditto.	Do.
6 Annas per Gal- lon, Po- lice or Excise Duty.	{ Spirits manu- factured after the European manner, at any licensed distillery in any of the provinces un- der the Ben- gal Presiden- cy, provided the quantity be 1000 Gal- lons or up- wards,	Nil.	{ 3 As. per Gallon.	Nil.	{ 1½ As. per Gallon.	Nil.	{ 3 As. per Gallon.	Nil.	{ 1½ As. per Gallon.
6 As. pr. Gall. Po- lice or Ex- cise Duty.	{ Do. do. if the quantity be less than 1000 Gallons,	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
10 pr. Ct.	{ Steel, wrought or un- wrought.	Nil.	{ ⅔ of Transit Duty.	Nil.	{ ⅓ of Transit Duty.	Nil.	Nil.	10 per Cent.	Do.
2½ ditto.	{ Do. do. from Nepaul,	Nil.	Nil.	2½ per Cent.	Nil.	2½ per Cent.	Nil.	7½ ditto.	Do.
5 pr. Ct.	Stone Plates,	Nil.	{ ⅓ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 per Cent.	Do.
7½ ditto.	Storax,	Nil.	⅔ of ditto.	Nil.	{ ⅓ of Transit Duty.	Nil.	{ ⅓ of Transit Duty.	2½ ditto.	Do.
5 ditto.	{ Sujjee Muttee or Natron,	Nil.	⅓ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
5 ditto.	{ Sugar, Jagry, Goor, and Syrup, Cus- toms,	Nil.	⅓ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
5 ditto.	{ Do. do. Town Duty,	Nil.	{ Whole a- mount of Town Duty.	Nil.	{ Whole a- mount of Town Duty.	Nil.	{ Whole a- mount of Town Duty.	Nil.	{ Whole a- mount of Town Duty. 10 pr. Ct.

A. D. 1825. REGULATION XV.

Rate of Inland Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Eu- rope, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Drawback to be allowed.	Rate of Du- ty to be charged.	Draw- back to be allowed.
10 pr. Ct.	{ Sulphur, or Brimstone, } Swords, to be exported on- ly in the mode di- rected by Section 85, Regulation IX. of 1810,	Nil.	{ $\frac{1}{4}$ of Transit Duty. }	Nil.	{ $\frac{1}{2}$ of Transit Duty. }	Nil.	Nil.	10 perCent.	Nil.
1 R. each.	{ Do. do. from Nepaul, or Oude, }	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	1 R. each.	Do.
$7\frac{1}{2}$ pr. Ct.	{ Tape, Thread, and Fringes, }	Nil.	{ $\frac{2}{3}$ of Transit Duty. }	Nil.	{ $\frac{1}{3}$ of Transit Duty. }	Nil.	Nil.	$7\frac{1}{2}$ per Ct.	Do.
$2\frac{1}{2}$ ditto.	{ Do. do. from Nepaul, or Oude, }	Nil.	Nil.	$2\frac{1}{2}$ per Ct.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$7\frac{1}{2}$ ditto.	Do.
$2\frac{1}{2}$ ditto.	{ Taizepant, or Mulabath- ram Leaf from Nepaul, }	Nil.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$2\frac{1}{2}$ ditto.	Nil.	$7\frac{1}{2}$ ditto.	Do.
Nil.	Teak Timber,	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Do.
$7\frac{1}{2}$ pr. Ct.	{ Thread, Tape, and Fringes, }	Nil.	{ $\frac{2}{3}$ of Transit Duty. }	Nil.	{ $\frac{1}{3}$ of Transit Duty. }	Nil.	Nil.	$7\frac{1}{2}$ per Ct.	Do.
$2\frac{1}{2}$ ditto.	{ Do. do. from Nepaul or Oude, }	Nil.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$7\frac{1}{2}$ ditto.	Do.
5 ditto.	{ Thread, Gold, and Silver, }	Nil.	{ $\frac{1}{2}$ of Transit Duty. }	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
5 ditto.	{ Tineal, or Bo- rax, }	Nil.	$\frac{1}{2}$ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
$2\frac{1}{2}$ ditto.	{ Do. do. from Nepaul, }	Nil.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$2\frac{1}{2}$ perCent.	Nil.	$7\frac{1}{2}$ ditto.	Do.
5 ditto.	{ Tissues, Gold and Silver, }	Nil.	{ $\frac{1}{2}$ of Transit Duty. }	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
4 As. per Maund.	{ Tobacco, Cus- toms, }	Nil.	{ Whole a- mount of Transit Duty. }	Nil.	{ All in excess of 5 per Ct. on the val- ue. }	Nil.	{ All in excess of 5 per Ct. on the val- ue. }	Nil.	{ All in ex- cess of 10 pr. Ct. on the value Whole a- mount of Town Duty. }
10 pr. Ct.	{ Tobacco, Town Duty, }	Nil.	{ Whole a- mount of Town Duty. }	Nil.	{ Whole a- mount of Town Duty. }	Nil.	{ Whole a- mount of Town Duty. }	Nil.	
$7\frac{1}{2}$ ditto.	Toon Wood,	Nil.	{ $\frac{2}{3}$ of Transit Duty. }	Nil.	{ $\frac{1}{3}$ of Transit Duty. }	Nil.	Nil.	$7\frac{1}{2}$ per Ct.	Nil.
$7\frac{1}{2}$ ditto.	Toond Flower,	Nil.	$\frac{2}{3}$ of ditto,	Nil.	$\frac{1}{3}$ of ditto.	Nil.	{ $\frac{1}{3}$ of Transit Duty. }	$2\frac{1}{2}$ ditto.	Do.
5 ditto.	{ Tooteeah, or Vitriol, }	Nil.	$\frac{2}{3}$ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
$7\frac{1}{2}$ ditto.	Tuggur,	Nil.	$\frac{2}{3}$ of ditto.	Nil.	{ $\frac{1}{3}$ of Transit Duty. }	Nil.	{ $\frac{1}{3}$ of Transit Duty. }	$2\frac{1}{2}$ ditto.	Do.
5 ditto.	{ Turmeric, Town Duty, }	Nil.	$\frac{2}{3}$ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
10 ditto.	Virmilion,	Nil.	$\frac{2}{3}$ of ditto.	Nil.	{ $\frac{1}{3}$ of Transit Duty. }	Nil.	Nil.	10 ditto.	Do.
10 ditto.	Verdigris,	Nil.	$\frac{2}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	10 ditto.	Do.
$7\frac{1}{2}$ ditto.	{ Uggur or Aloe Wood, }	Nil.	{ $\frac{2}{3}$ of Transit Duty. }	Nil.	{ $\frac{1}{3}$ of Transit Duty. }	Nil.	{ $\frac{1}{3}$ of Transit Duty. }	$2\frac{1}{2}$ ditto.	Do.
$7\frac{1}{2}$ ditto.	Vidry Ware.	Nil.	$\frac{2}{3}$ of ditto.	Nil.	$\frac{1}{3}$ of ditto.	Nil.	Nil.	$7\frac{1}{2}$ ditto.	Do.

**A. D. 1825. REGULATION XV.**

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Europe, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.
5 pr. Ct.	{ Vitriol, or Tooteeah,	Nil.	{ $\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	Nil.	Nil.	5 per Cent.	Nil.
10 ditto.	{ Wax, and Wax Candles,	Nil.	{ $\frac{1}{4}$ of ditto.	Nil.	{ $\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	10 ditto.	Do.
5 ditto.	{ Woollens, viz Looyes, and Blankets,	Nil.	{ $\frac{1}{2}$ of ditto.	Nil.	Nil.	Nil.	Nil.	5 ditto.	Do.
2½ ditto.	{ Do. do. from Nepaul,	Nil.	Nil.	2½ per Ct.	Nil.	2½ per Cent.	Nil.	7½ ditto.	Do.
10 ditto.	{ Yellow Ochre, or Goopy Muttee,	Nil.	{ $\frac{1}{4}$ of Transit Duty.	Nil.	{ $\frac{1}{2}$ of Transit Duty.	Nil.	Nil.	10 ditto.	Do.
	{ Country Articles not enumerated in this Table, & which have not been specifically exempted from duty by this regulation, shall, if they are not liable to any Transit or Town Duty, pay, on exportation,	2½ per Ct.	Nil.	5 per Ct.	Nil.	5 per Ct.	Nil.	10 per Cent.	Do.

NOTE.—The above duties and drawbacks are to be charged and allowed on goods duly covered by *rowannahs*, evidencing the payment of Inland or Town Duty. No Drawback shall be allowed on any of the said goods, which may be brought for exportation without a *rowannah*, or with a *rowannah* of which the period has expired; but on the exportation of such goods (except in cases wherein the whole amount of inland duty is drawn back,) an export duty shall be levied, in addition to that specified in the Table, equivalent to the prescribed transit duty chargeable on the like goods *minus* the drawback receivable on the export of the same.





# A. D. 1825. REGULATION XVI.

**A REGULATION** to make further Provision for empowering the Courts of Circuit to pass Sentence in certain Cases of Robbery, without reference to the Court of Nizamut Adawlut.—**PASSED** by the Governor General in Council, on the 21st July 1825; corresponding with the 7th Sawun 1232 Bengal era; the 21st Sawun 1232 Fussily; the 8th Sawun 1232 Willaity; the 6th Sawun 1882 Sumbut; and the 4th Zeheija 1240 Higeree.

**WHEREAS** under the regulations in force the trials of all persons convicted before the courts of circuit of the crime of robbery by open violence, as defined in Section 3, Regulation LIII. 1803, with an exception to the cases provided for in Regulation III. 1825, are referrible to the court of Nizamut Adawlut: and whereas the provisions contained in the latter regulation, which were intended to relieve that court from a part of the numerous trials referred to it, and at the same time to expedite the administration of criminal justice, have been found insufficient for this purpose; and it appears expedient, that the courts of circuit should be empowered to pass sentence in certain other cases without reference; the Governor General in Council has therefore enacted the following rules, to be in force, as soon as promulgated, throughout the provinces under this presidency.

**II.** Regulation III. 1825, is hereby rescinded; and so much of Section 8, Regulation XVII. 1817, and of the preceding regulations therein referred to, or of any other regulation in force, as requires that the courts of circuit shall in all cases of conviction of the crime of robbery by open violence, as defined in the first clause of Section 3, Regulation LIII. 1803, refer the trial of the prisoner or prisoners so convicted for the final sentence of the court of Nizamut Adawlut, is hereby modified, as stated in the following section.

**III. First.** In cases of conviction before a court of circuit of the crime of robbery by open violence, as defined in Section 3, Regulation LIII. 1803, or of an attempt to commit the same, if the robbery shall not have been accompanied with murder, or with an attempt to commit murder, whether by wounding, burning, strangling, poisoning, drowning, throwing into a well, or by any other means, nor have been accompanied with wounding, burning, or other corporal injury to any person or persons in such a degree as to endanger life, nor have been attended with any other aggravating act of criminality, such as may appear to the judge of circuit, before whom the trial is held, to merit and call for a more severe punishment than thirty-nine strokes with a ratan, and imprisonment with hard labour for fourteen years in banishment from the district where the prisoner may have resided, the judge of circuit, concurring with his law officer in the conviction of the prisoner or prisoners, is authorized and directed, without reference to the Nizamut Adawlut, (as required by the sixth clause of Section 8, Regulation XVII. 1817,) to pass such sentence as he may deem adequate to the offence on due consideration of all the circumstances of the case, not exceeding the number of strokes and term of imprisonment, with hard labour in banishment, above specified.

**Second.** Provided in all cases, that if the robbery shall have been committed by a gang of three or more armed robbers, whether armed with any species of fire-arms, or with spears, swords, clubs, or other weapons, the court of circuit shall not be competent to pass sentence on conviction for a less punishment than fourteen years' imprisonment in banishment. If such punishment should appear in any such case to be too severe, the trial shall be referred to the court of Nizamut Adawlut, with a letter from the judge of circuit, stating the circumstances which may induce him to propose a mitigated sentence.

**Preamble.**

Certain regulations relative to the punishment of the crime of robbery, rescinded or modified by the present regulation.

Judges of circuit empowered to pass sentence upon persons convicted of robbery in certain cases, without reference to the Nizamut Adawlut.

The judges of circuit shall not be competent in certain cases to pass sentence for a less punishment than 14 years' imprisonment in banishment.

The judge of circuit may refer the trial to the court of Nizamut Adawlut for a mitigation of the sentence.



## A. D. 1825. REGULATION XVII.



A REGULATION for transferring the *Zillah* of Goruckpore from the Jurisdiction of the provincial Court of Appeal and Circuit of Benares, and annexing it to that of the Court of Appeal and Circuit of Patna ; for changing the Order of holding the half-yearly Jail Deliveries at the Stations comprised within the several Circuits ; for providing that the Sessions shall be held in Future at the Stations of certain Joint Magistrates ; for authorizing special Arrangements with Respect to others, and for altering the Periods fixed for the Commencement of the 1st and 2d Circuits of the Calcutta Division.—PASSED by the Governor General in Council, on the 4th August 1825 ; corresponding with the 21st Sawun 1232 Bengal era ; the 6th Sawun 1232 Fussily ; the 22d Sawun 1232 Willaity ; the 5th Sawun 1882 Sumbut ; and the 18th Zeheija 1240 Higeree.

**W**HEREAS it has been judged expedient to separate the *zillah* of Goruckpore from the jurisdiction of the court of circuit and provincial court of appeal for the division of Benares, and to annex that *zillah* to the jurisdiction of the court of circuit and provincial court of appeal for the division of Patna : and whereas it has been deemed expedient to provide that the stations of certain joint magistrates should be visited, (some annually and others in the regular course of circuit,) and the sessions held there in cases where the adoption of the arrangement has been found to be consistent with public convenience : and whereas it has consequently become necessary to alter the order of succession prescribed in the existing regulations, for holding the jail deliveries at the several stations comprised within the circuits generally ; and it appearing proper to alter the dates prescribed by Section 3, Regulation II. 1804, for the commencement of the first and second circuits for the division of Calcutta ; the following rules have been enacted, to take effect from the promulgation of this regulation ; or, with respect to the transfer of *zillah* Goruckpore, from the 28th day of September 1825, corresponding with the 14th Assin 1232 Bengal era ; the 1st Assin 1233 Fussily ; the 15th Assin 1233 Willaity ; the 1st Assin 1882 Sumbut ; and the 14th Suffer 1240 Higeree.

Preamble.

II. Such parts of Regulation VIII. 1804, and of any other regulation now in force, as declare the *zillah* of Goruckpore subject to the jurisdiction of the court of circuit and provincial court of appeal for the division of Benares, are hereby rescinded. The said *zillah* shall hereafter be subject to the jurisdiction of the court of circuit and provincial court of appeal for the division of Patna.

III. Such part of Section 6, Regulation III. 1798, as prescribes the order of succession for holding the jail deliveries of the Dacca division ; such part of Section 7, Regulation II. 1804, as fixes the order of succession for holding the jail deliveries of the Patna division ; clause first, Section 7, Regulation II. 1804, and Sections 4 and 5, Regulation I. 1806, are hereby rescinded ; and the following order of succession for holding the jail deliveries at the stations of the several magistrates and joint magistrates of the divisions of Bareilly, Benares, Calcutta, Dacca, Moorshedabad, and Patna, will hereafter be observed, instead of that prescribed in the several rescinded rules above quoted.

The *zillah* of Goruckpore transferred from the jurisdiction of the provincial court of appeal and circuit for the division of Benares, and annexed to that of Patna.

Modification of the existing order of succession for holding the jail deliveries, at the stations of the several magistrates and joint magistrates.

## A. D. 1825. REGULATION XVII

### BAREILLY COURT OF CIRCUIT

- 1 Furruckabad.
- 2 Cawnpore.
- 3 Etawa.
- 4 Mynpooree.
- 5 Agra.
- 6 Alligurh.
- 7 Boolundshuhur.
- 8 Meerut.
- 9 Moozuffer Nuggur.
- 10 Shcharunpore.
- 11 Nugeena.
- 12 Moradabad.

### BENARES COURT OF CIRCUIT.

- 1 Mirzapore.
- 2 Banda.
- 3 Hameerpore.
- 4 Bhitoora (Futthpore).
- 5 Allahabad.
- 6 Jounpore.
- 7 Azimgurh.
- 8 Ghazceppore.

### CALCUTTA COURT OF CIRCUIT.

- 1 Jessore.
- 2 Nuddeah.
- 3 Hooghly.
- 4 Burdwan.
- 5 Jungle Mohauls.
- 6 Midnapore.

### DACCA COURT OF CIRCUIT.

- 1 Mymensingh.
- 2 Sylhet.
- 3 Tipperah.
- 4 Chittagong.
- 5 Noacally.
- 6 Backergunge.
- 7 Dacca Jelalpoore.

### MOORSHEDABAD COURT OF CIRCUIT.

- 1 Bhaugulpore.
- 2 Purnea.
- 3 Dinagepore.
- 4 Rungpore.
- 5 Rajeshahye.
- 6 Bagoorah.
- 7 Beerbhoom.

### PATNA COURT OF CIRCUIT.

- 1 Ramghur.
- 2 Behar.
- 3 Shahabad.
- 4 Goruckpore.
- 5 Sarun.
- 6 Tirhoot.

Rules to be observed  
for holding the sessions at  
certain stations.

IV. Circumstances connected with the public convenience having suggested the necessity of prescribing special rules for holding the sessions at the stations of the joint magistrates of Barasut, Balasore, Malda, Monghyr, and Shahjehanpore, the following rules are hereby enacted.

*First.*

## A. D. 1825. REGULATION XVII.

*First.* The judge who may proceed on the first circuit for the Calcutta division, shall, in the first instance, visit the station of the joint magistrate of Barasut, and there hold the trial of any prisoners who may have been committed during the months immediately preceding the commencement of the circuit; but all prisoners committed in the former months shall be sent for trial at the monthly sessions of the Twenty-four Pergunnahs as heretofore. It shall not be necessary for the judge of circuit to visit the station of the joint magistrate of Nugwan, whose commitments will be tried at the *sudder* station of Midnapore.

Viz. Barasut.

*Second.* The commissioner of Cuttack will hold the half yearly jail delivery of prisoners committed by the joint magistrate of Balasore, at the station of that officer, provided that when the other public avocations of the commissioner may not admit of this arrangement, the prisoners committed by the joint magistrate shall be sent as heretofore to take their trial at the *sudder* station of Cuttack. It shall not be necessary for the commissioner to visit the station of the joint magistrate of Khoordah, whose commitments will continue to be tried at the *sudder* station of Cuttack as heretofore.

Viz. Balasore and Khoordah.

*Third.* The judge who may proceed on the second circuit for the Moorshedabad division, shall, on concluding the sessions at Bhaugulpore, proceed to Malda, and there hold the trial of any persons who may have been committed since the last jail delivery. Any prisoners who may be committed for trial between the second and first sessions, shall be sent as heretofore to the *sudder* station of the districts in which the *thanas* under the control of the joint magistrate may be situated.

Viz. Malda.

*Fourth.* The judge who may proceed on the first circuit for the Moorshedabad division, shall, on concluding the sessions at Bhaugulpore, proceed to Monghyr, and there hold the trial of any prisoners who may have been committed since the last jail delivery. Any prisoners who may be committed for trial between the first and second sessions, shall be sent for trial as heretofore to the *sudder* stations of the districts in which the *thanas* under the control of the joint magistrate may be situated; but as this joint magistracy comprises also portions of the Behar and Tirhoot *xillahs*, all commitments, at whatever time made, for offences occurring in those *thanas* subject to the joint magistrate's jurisdiction which are situated in the districts abovementioned, shall be sent to the *sudder* stations of those districts as heretofore for trial by the Patna court of circuit.

Viz. Monghyr.

*Fifth.* The judge who may proceed on the first circuit for the division of Bareilly, shall visit the station of the joint magistrate of Shahjehanpore, in the first instance; and there hold the trial of any prisoners who may have been committed during the month immediately preceding the commencement of the circuit, but all prisoners committed in the former month shall be sent for trial at the monthly sessions of Bareilly as heretofore. It shall not be necessary for the judge of circuit to visit the stations of the joint magistrates of Deyra-doon or Sirpoorah, and the prisoners committed to take their trial by those officers, shall be sent as heretofore to the *sudder* stations of Seharunpore and Furruckabad respectively.

Viz. Shahjehanpore.

V. Such part of Section 3, Regulation II. 1804, as declares that the first circuit for the Calcutta division shall commence on the 1st of April, and the second on the 1st of October, is hereby rescinded, and the first circuit for that division shall in future commence on the 1st of May, and the second on the 1st of November.

Rule for the commencement of the circuits for the division of Calcutta.

VI. In the event of any future alterations becoming necessary in the order of holding the jail deliveries at the station of a magistrate or joint magistrate, it shall be competent to the Governor General in Council to direct the same without the necessity of a new regulation for that purpose.

The order of holding the jail deliveries at the station of a magistrate or joint magistrate, may be altered in future without the enactment of a regulation.



## A. D. 1825. REGULATION XVIII.



A REGULATION for annexing the Settlement of Chinsurah, and other Territories, ceded to the British Government by the Government of the Netherlands, to the Zillah and City Jurisdictions most contiguous thereto; and to provide for the future Administration of the said Territories.—PASSED by the Governor General in Council, on the 25th August 1825; corresponding with the 11th Bhadoon 1232 Bengal era; the 27th Sawun 1232 Fussily; the 12th Bhadoon 1232 Willaity; the 12th Sawun 1882 Sumbut; and the 10th Mohurrem 1241 Higeree.

**W**HEREAS in pursuance of a treaty concluded between the British and Netherlands Governments, on the 17th day of March 1824, the settlement of Chinsurah, and territory appertaining thereto, as well as the factories and lands held by the Netherlands authorities at Calcapore, Dacca, Fulta, Patna, and Balasore, in the provinces of Bengal, Behar, and Orissa, have been ceded in perpetuity to the British Government: and whereas it is necessary, in consequence, to make provision for the future administration of the said settlement and territories, and for annexing the same to the most contiguous *zillah* and city jurisdictions; the Governor General in Council has accordingly enacted the following rules, to be in force from the time of their promulgation.

Preamble.

II. *First.* The town and settlement of Chinsurah shall be annexed to and included in the *zillah* of Hooghly.

Settlement of Chinsurah annexed to *zillah* Hooghly.

*Second.* The late Dutch factories at Calcapore and Dacca, and the lands appertaining to them, shall be annexed to the city jurisdictions of Moorshedabad and Dacca respectively; those at Fulta and Balasore, shall be annexed to the *zillah* jurisdictions of the Twenty-four Pergunnahs and Cuttack respectively; and the late Dutch factory at Patna, and the lands appertaining to it, shall be annexed to the jurisdiction of the city of Patna.

The Dutch factories at Calcapore and at other places, annexed to the *zillah* and city jurisdictions within which they are situated.

III. Subject to the provisions contained in this regulation, the rules for the administration of civil and criminal justice, and the police, in the provinces of Bengal, Behar, and Orissa, as well as those for the collection of the land revenue, customs, *abkaree*, and stamp revenues, and generally the whole of the regulations in force for the internal administration of the provinces abovementioned, (the special rules for Cuttack only excepted,) are hereby declared to be in full force and effect in the settlement and territories specified in the preceding section, from the date of the promulgation of this regulation.

The administration of civil and criminal justice, and the collection of revenue in the above settlement and territories, to be conducted under the regulations in force.

IV. *First.* It shall be competent to the Governor General in Council, to refer to the court of Sudder Dewanny Adawlut, and that court is hereby authorized to hear and determine, any appeals from decisions already passed by the European court of civil justice at Chinsurah, which have been referred for final decision to the Dutch superior court at Batavia, but have not been decided by that court.

Appeals from decisions already passed at Chinsurah, and which have been referred to the court at Batavia, but not decided there, how to be tried.

*Second.* It shall further be competent to the court of Sudder Dewanny Adawlut, to receive and determine any appeals from decisions in civil suits, which may have been decided by the European court at Chinsurah, before the cession of that settlement to the British Government, and which were appealable to the superior court at Batavia; but

Appeals to be received in certain other cases by the court of Sudder Dewanny Adawlut from decisions passed before the cession.



## A. D. 1825. REGULATION XVIII.

but the appeals in which had not been preferred, or, if preferred, the proceedings in which had not been referred to the Batavia court. Provided, with respect to all appeals not actually preferred and admitted before the cession, that they shall not be admitted by the court of Sudder Dewanny Adawlut, without good and sufficient cause being shown for the delay.

The decisions of the court in such cases, to be regulated by the laws and usages, which governed the decisions of the European court of justice at Chinsurah.

Appeals referrible by the court of Sudder Dewanny Adawlut to the provincial court of Calcutta for decision.

Rules for preferring appeals in civil suits, determined after the promulgation of the present regulation.

The civil courts prohibited from entertaining any claims or suits, which may have been formerly decided by competent authority.

Deeds regularly executed to be received in evidence by the civil courts.

The decision of civil suits regarding succession, inheritance, marriage, and special contract, to be governed by the laws and usages of the parties.

Offences committed before the promulgation of the present regulation, how to be punished.

Appointment of a Dutch law officer or fiscal, and his duties.

*Third.* Provided also, that the laws and usages which governed the decisions of the European court of justice at Chinsurah, shall govern the decisions of the court of Sudder Dewanny Adawlut in all appeals which may be tried and decided by that court under the provisions of this section.

*Fourth.* If the amount or value in any of the appealed cases referred to in the second clause of this section, shall not exceed the amount which under Regulation XVI. 1797, renders a cause appealable to the king in council; viz. 43,103 rupees, the court of Sudder Dewanny Adawlut is authorized in such cases to direct the Calcutta provincial court of appeal to try and decide the same, subject to the provisions contained in the third clause of this section; and the decision of the provincial court shall be final, unless a special appeal be admissible to the Sudder Dewanny Adawlut, under the rules in force for second, or special appeals.

*Fifth.* In all civil suits determined after the promulgation of this regulation, the general rules in force for appeals to the provincial courts and court of Sudder Dewanny Adawlut will, of course, be applicable, as well as those which authorize an appeal to the *xillah* or city court, if the original decision have been passed by a register, *sudder ameen*, or *moonsiff*.

V. The civil courts of judicature are prohibited from entertaining any claim or suit which, from the production of a former decree, or from the records of court, shall appear to have been finally heard and determined by any former judge, or superintendent of any court of competent jurisdiction. If any doubt should arise respecting the competency of the former jurisdiction, the case shall be reported for the instructions of the Governor General in Council, whose determination upon this point shall be conclusive.

VI All deeds of whatever denomination, whether written on stamp paper or otherwise, that may have been regularly and legally executed, according to the Dutch law or established local usage previously to the promulgation of this regulation, are hereby declared to be valid, and the several courts of civil judicature are empowered and directed to admit such deeds in evidence; and in any judicial proceedings that may be held on such documents, the courts are to be governed by the law and usage, under which the same were prepared and executed.

VII. In the decision of all civil suits regarding succession, inheritance, marriage, and special contract, in which the parties may be Europeans, heretofore subject to the Netherland authorities, or their descendants, and as well as generally in all cases where the parties may be Europeans, or foreigners of any description, or their descendants, the courts shall be guided, as far as practicable, by the spirit of the rule prescribed in Section 15, Regulation IV. 1793; which directs, that "in suits regarding succession, inheritance, marriage, and cast, and all religious usages and institutions, the Mahommedan laws with respect to Mahommedans, and the Hindoo laws with regard to Hindoos, are to be considered the general rules by which the judges are to form their decisions."

VIII. In all criminal trials for offences committed before the promulgation of this regulation, whenever it may appear that the punishment of the offence under the provisions of this regulation would be more severe than the punishment prescribed for the same offence under the laws in force, when the settlement and territories referred to in this regulation came into the possession of the British Government, the punishment to be adjudged against the prisoner shall be regulated by the law which was in use, when the said territories came into the possession of the British Government.

IX. *First.* An officer to be denominated "the Dutch law officer or fiscal," shall be appointed by the Governor General in Council on the establishment of the judge of *xillah* Hooghly; and it shall be his duty to expound the laws and usages of the settlement of Chinsurah,

## A. D. 1825. REGULATION XVIII.

Chinsurah, and its late dependencies, in all cases that may be submitted to him, either by the civil or criminal courts.

*Second.* It shall be the further duty of the fiscal to furnish translations of all papers filed in the Dutch language, and to interpret them truly to the respective courts, as well as generally to perform such other duties as may be specially assigned to him by the local judge or magistrate. The fiscal to furnish translation of all Dutch papers.

*Third.* Provided always, that the particular law, custom, or usage, which may have influenced the final judgment of the court, shall be specifically stated or referred to in the decree, sentence, or order, affected thereby, and the fiscal's written opinion shall remain attached to and be constantly kept with the record of the case. Written opinion of the fiscal to be put upon record.

*Fourth.* The fiscal, or Dutch law officer, shall moreover, by virtue of his office, be deemed a *sudder ameen*, with the full powers invested in judicial officers of that description by Regulations II. and III. 1821, within the town and settlement of Chinsurah; in this capacity he shall be employed in the trial and decision of any suits, or cases, civil or criminal, that may, under the general regulations, be referred to him, as *sudder ameen*, by the *xillah* judge, or magistrate, respectively; and shall be governed in the trial and decision of such cases by the rules and regulations which are or may be in force for the guidance of *sudder ameens*. The fiscal to be also a *sudder ameen*, with civil and criminal powers.

X. The provisions of Regulation II. 1820, as far as they relate to the settlement of Chinsurah, are hereby rescinded. Parts of Regulation II. 1820, relative to Chinsurah, rescinded.



## A. D. 1825. REGULATION XIX.



A REGULATION to prescribe the Manner in which His Highness the Nazim of Bengal shall sue, or be sued in the Courts of civil Judicature.—PASSED by the Governor General in Council, on the 29th September 1825; corresponding with the 15th Assin 1232 Bengal era; the 2d Assin 1233 Fussily; the 16th Assin 1233 Willaity; the 2d Assin 1882 Sumbut; and the 15th Suffer 1240 Higeree.

**W**HEREAS the existing regulations do not sufficiently provide for the manner in which His Highness the Nazim of Bengal shall claim or defend his rights in the courts of civil judicature, the following rules have been enacted, to be in force from the period of their promulgation.

Preamble.

II. It shall be competent to the agent to the Governor General at Moorshedabad, or other officer, however denominated, exercising for the time being the control and superintendence of the affairs of the Nizamut on the part of the Governor General in Council, to institute suits in the courts of civil judicature on the part of his Highness the Nazim of Bengal, and to conduct them as plaintiff or appellant in such manner as may appear proper.

The agent to the Governor General at Moorshedabad may institute suits in the civil courts, on the part of the Nazim of Bengal.

III. In like manner, should any suit be instituted in any court of civil judicature against His Highness the Nazim of Bengal, the ordinary notice shall be issued upon the agent to the Governor General, or other officer aforesaid, who shall conduct the defence on the part of His Highness.

When suits may be instituted against the Nazim, the notice is to be served on the agent, who will defend them.

IV. Provided always, that security shall not be required from, nor shall attachment in any case issue against His Highness, or against the agent to the Governor General, or other officer aforesaid; but should the court require the payment of any costs, damages, or other sums of money, or the delivery of any lands, and after order duly made and served on the agent, any unreasonable delay should arise, it shall be competent to the court to transmit a copy and translation of the decree or order to the secretary to Government in the Persian department, when the Governor General in Council will issue such orders as may be necessary for the discharge of the amount due.

The Nazim and the agent to the Government exempted from furnishing security, and from process of attachment.

Order and decrees of the civil courts in such suits, how to be executed.



## A. D. 1825. REGULATION XX.



A REGULATION for declaring the Jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some Parts of the existing Regulations in conformity thereto.—PASSED by the Governor General in Council, on the 3d November 1825, corresponding with the 19th Kautick 1232 Bengal era; 8th Kautick 1233 Fussily; the 20th Kautick 1233 Willaity; the 7th Kautick 1882 Sumbut; and the 21st Rubee-ul-uwal 1241 Higeree.

**BY** an act of parliament passed in the 4th year of the reign of his present Majesty King George the Fourth, entitled “An act to consolidate and amend the laws for punishing mutiny and desertion of officers and soldiers in the service of the East India Company,” provision is made for the trial by courts martial of European British subjects, either actually serving as officers or soldiers, or otherwise attached to the army, when accused of murder, rape, robbery, theft, and other offences committed in a foreign territory, or at any place within the territories subject to the presidency of Fort William, situate at a greater distance from that presidency than 120 miles, as well as for investing military courts of requests, constituted according to the provision of the aforesaid act, with the cognizance of actions of debt, and all personal actions, to an amount not exceeding 400 Rs. against any British commissioned or non-commissioned officer, or soldier, or other persons amenable to the provisions of the act, at places situated beyond the jurisdiction of the court of requests in Calcutta: it has, in consequence, become necessary to rescind or modify certain parts of the regulations in force, which relate to the apprehension or trial of British subjects accused of criminal offences, and to the cognizance of petty offences and actions of debt by a military tribunal; the following rules have been accordingly enacted, to be in force, from the date of their promulgation, throughout the territories subject to the presidency of Fort William.

Preamble.

II. *First.* In modification of the rules contained in Regulation II. 1796, Section 19, Regulation VI. 1803, and Regulation XV. 1806, it is hereby provided, that if any European British subject, who shall be apprehended by, or brought before, a magistrate on a charge of murder, rape, robbery, theft, or other criminal offence, shall be found, on his apprehension, to have been, at the time when the offence laid to his charge may have been committed, a commissioned or non-commissioned officer, or soldier, serving with any body of troops in the service of his Majesty, or of the Honorable East India Company, at any place not within the territories subject to the presidency of Fort William, or at any place within such territories, which may be situated above 120 miles from the aforesaid presidency, or to have been, when the offence was committed, a person attached to such body of troops in any of the capacities specified in Sections 45 and 50, of Statute IVth. Geo. IVth. Cap. LXXXI. it shall be the duty of the magistrate, by whom such person so accused may be apprehended, instead of proceeding to hear evidence to the charge, as directed in such cases in the regulations above-mentioned, to deliver over such person so charged, together with a statement of the charge brought against him, to the commanding officer of

European British subjects, being persons attached to the army serving within certain limits, when apprehended by magistrates on charges of a criminal nature, to be delivered over to the commanding officer of the corps to which they may belong.

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the regiment, corps, or detachment, to which such accused person shall belong, or to the commanding officer of the nearest military station, for the purpose of his being brought to trial before a court martial, under the provisions of the said act of parliament.

**Magistrates, on application made to them by a commanding officer, to assist in the apprehension of all persons amenable to trial by court martial, when accused of criminal offences.**

**Magistrates required to enforce processes for attendance of witnesses, &c. before courts martial, on application made to them.**

**Magistrates prohibited from inquiring into charges of a criminal nature preferred against British subjects, when attached to the army within certain limits, and who may have been already tried by a court martial for the same.**

**Proviso for cases in which the magistrate shall have duly ascertained that the accused neither has been nor will be tried by a court martial.**

**Magistrates will proceed as heretofore against British subjects accused of criminal offences, when such persons are not attached to the army or amenable to trial by court martial.**

**These provisions not to apply to troops in Fort William, or stationed at any other place which is not situated above 120 miles from the presidency.**

**Provisions of Regulation XX. 1810, or other regulations in force, declared not applicable to debts due from British subjects attached to the army.**

*Second.* It shall further be the duty of every magistrate, on a written application being made to him for that purpose by the commanding officer of any regiment, corps, or detachment stationed or employed as specified in the preceding clause, to use his utmost endeavour for the apprehension of any British officer, non-commissioned officer, soldier, or other person of the description therein alluded to, who may have been charged with the crime of murder, rape, robbery, theft, or other criminal offence, and also to give his assistance and that of the officers under his control in securing the person so accused.

*Third.* It is hereby declared, that it shall be competent to the judge advocate general or deputy judge advocate, or other person appointed to conduct the proceedings of any court martial, assembled for the trial of offences under the provisions of the said act of parliament, to transmit to the magistrate of the *xillah* or city, within whose jurisdiction persons whose attendance before such court martial is required may reside, any warrant, summons, or other process for the attendance of such person; and it shall be the duty of such magistrate, who may be so applied to, to give his assistance and that of the officers under him in the due execution of such process, and generally to aid and assist in the execution of all processes issued by such courts martial.

*Fourth.* The several *xillah* and city magistrates are hereby prohibited from receiving, and inquiring into any criminal charge of the nature described in Section 2, of Statute IVth. Geo. IVth. Cap. LXXXI, which may be preferred to them against any British commissioned or non-commissioned officer, soldier, or other person attached to the army, who may have been regularly brought to trial under the provisions of the said act, and acquitted or convicted by the sentence of a court martial of such offence: provided however, that in any case, wherein it may be ascertained by the magistrate, on due inquiry, that any person accused of such criminal offence, who may be subject to trial by court martial, has not been brought to trial for such offence before a court martial, and that no effectual proceedings have been taken, or have been ordered to be taken against him, then and in that case it shall be the duty of the magistrate to report the circumstance for the information and orders of the Governor General in Council; who, if it appear to him proper so to do, will direct the case to be proceeded upon in the ordinary course of law; and the magistrate, if so authorized, shall be competent to proceed against the offender, under the provisions of the regulations hitherto in force.

*Fifth.* Provided always, and it is hereby declared, that nothing contained in the foregoing clauses shall be held to restrict the magistrates of districts, either in their ordinary capacity of magistrates, or as his Majesty's justices of the peace duly qualified, from proceeding under the rules heretofore in force against all British subjects charged with criminal offences, who may not be attached to the army, or subject to be tried for such offences by a court martial.

*Sixth.* It is hereby further declared, that the provisions of this regulation, as far as the same relate to criminal offences committed by any commissioned or non-commissioned officer, soldier, or other person attached to the army, being British subjects, shall not be held to apply or be in force, when such offences shall be committed by persons of the above description attached to any body of troops which may be stationed in the garrison of Fort William, or at Barrackpore, Midnapore, Dum-Dum, or at any other place, within the territories under the presidency of Fort William, which may not be situated at a greater distance than 120 miles from the said presidency; and in all such places, the powers and authorities vested by law in the magistrates and justices of the peace shall continue to be and remain in full force and effect.

*III. First.* Such parts of Regulation XX. 1810, or of any other regulation in force, as provide for the cognizance by a military tribunal of actions of debt, and all personal actions not exceeding in value or amount the sum of 200 rupees, are hereby declared not to be applicable to cases of debt, or other personal actions, in which the party sued may be a British subject attached to the army within the descriptions of persons specified in Section

## A. D. 1825. REGULATION XX.

tion 57, of Statute IVth. Geo. IVth. Cap. LXXXI, by which amongst other things it is enacted, that in all places where the said Company's forces now are or may be employed, or where any body of his Majesty's forces may be serving with the forces of the said Company, situate beyond the jurisdiction of the court of requests at the city of Calcutta, actions of debt, and all personal actions against such officers, non-commissioned officers, or soldiers, all persons licensed to act as sutlers to any corps or detachment or at any station or cantonment, or other persons amenable to the provisions of this act, or resident within the limits of a military cantonment, shall be cognizable before a court of requests composed of military officers, and not elsewhere; provided the value in question shall not exceed 400 sicca rupees, and that the defendant was a person of the above description when the cause of action arose.

Such debts and actions provided for by Section 57, of Statute IV. Geo. IV. Cap. LXXXI.

*Second.* The power given to the magistrates of districts, by Section 106, of Statute LIII. Geo. III. Cap. CLV. to take cognizance of debts not exceeding 50 Rs. alleged to be due from British subjects to natives of India, and to pass a summary decision on the same, in so far as regards claims on officers or soldiers being European British subjects, is also repealed by the Section 57, of Statute IVth. Geo. IVth. Cap. LXXXI.

Certain powers heretofore vested in the magistrates, in the cognizance of debts due by British subjects, declared to be no longer in force.

*Third.* Officers and soldiers being European British subjects will still be subject to the jurisdiction of the local courts of civil justice, under the provisions of Section 107, of Statute LIII. Geo. III. Cap. CLV. except in actions of debt and personal actions not exceeding 400 rupees in value or amount.

British subjects attached to the army, declared still amenable to local courts for debts exceeding 400 Rs.

*Fourth.* The provisions of Section 22, Regulation XX. 1810, will still remain in force, so far as they relate to actions of debt and personal actions against officers, soldiers, and retainers of the description therein specified or referred to, not being European British subjects within the provisions referred to in the first clause of this section.

To what extent the provisions of Sections 2, Regulation XX. 1810, will still remain in force.

IV. Whenever a witness in attendance before a general court martial or other military court duly authorized to administer an oath, shall refuse to be sworn, and the court shall be of opinion, that the testimony of such witness is essential, and that there is no sufficient reason to exempt him from taking the oath, the judge advocate general or other officer conducting the proceedings of the court, shall be authorized to forward such witness with a written statement to the *sillah* or city magistrate or joint magistrate, within whose jurisdiction the court may be held, and the magistrate or joint magistrate is hereby directed to make such inquiries into the case as may satisfy him, that the witness ought or ought not to be exempted from taking an oath under the provisions of Regulation I. 1803. If the magistrate or joint magistrate shall be of opinion that no sufficient grounds exist for exempting the witness from taking the prescribed oath, he shall proceed in the same manner as if the refusal to give evidence on oath had taken place in his own court.—On the other hand, if he shall be of opinion that the witness ought not to be compelled to take the oath, he shall certify the same to the judge advocate general, or other officer above referred to, and shall not impose any penalty on such witness.

Course to be followed in case of a witness refusing to be sworn before a military court.

Inquiries to be made by the magistrates and joint magistrates.





# A. D. 1825. REGULATION XXI.



A REGULATION for annexing to the Jurisdiction of the Commissioner of Kumaon the Tract of Country called the Deyra Doon, and also the Pergunnah of Chandnee, heretofore forming Part of the Districts of Seharunpore and Moradabad.—  
PASSED by the Governor General in Council, on the 8th December 1825; corresponding with the 24th Aughun 1232 Bengaleru; the 13th Aughun 1233 Fussily; the 25th Aughun 1233 Willaity; the 14th Aughun 1882 Sumbut; and the 27th Rubbee-us-Sanee 1241 Higeree.

**BY** the provisions of Regulation IV. 1817, the tract of country denominated the Deyra Doon was annexed to the district of Seharunpore, and the laws and regulations in force in that district were, with certain exceptions, extended to the Deyra Doon; local circumstances, however, have rendered it expedient to transfer the above-mentioned tract of country to the jurisdiction of the commissioner in Kumaon, and also to place under the same authority the whole of the *pergunnah* of Chandnee, part of which is now attached to the district of Moradabad, and part to the district of Seharunpore. The Governor General in Council has, accordingly, been pleased to enact the following rules, to be in force from the date of their promulgation.

Preamble.

II. Section 2, Regulation IV. 1817, which declares that the tract of country called the Deyra Doon shall be annexed to the district of Seharunpore, is hereby rescinded. The remaining sections of that regulation are to remain in force, but from and after the promulgation of this regulation, the Deyra Doon shall be annexed to the jurisdiction of the commissioner for the province of Kumaon.

Part of Regulation IV. 1817, rescinded, and the Deyra Doon to be in future annexed to the jurisdiction of the commissioner of Kumaon.

III. In like manner the *pergunnah* of Chandnee, partly situated in the district of Moradabad, and partly in that of Seharunpore, is hereby separated from those districts, and declared subject to the authority of the commissioner of Kumaon.

*Pergunnah* Chandnee to be in future subject to the authority of the commissioner of Kumaon.

IV. From and after the promulgation of this regulation, the operation of all regulations not expressly extended to the province herein mentioned, shall cease to have effect in the Deyra Doon, and in the *pergunnah* of Chandnee; and the system of internal administration now established in the province of Kumaon, under the provisions of Regulation X. 1817, shall be considered applicable to those tracts of country; subject to such modifications as local circumstances, or other considerations may, hereafter, render necessary or expedient.

The provisions of Regulation X. 1817, declared applicable to the Deyra Doon and to *pergunnah* Chandnee, and all other regulations to cease to have effect in those tracts of country.



## A. D. 1826. REGULATION I.



A REGULATION for augmenting the Number of Judges of the provincial Courts of Appeal and Circuit, as may from time to time appear necessary.—PASSED by the Governor General in Council, on the 2d March 1826; corresponding with the 20th Phagoon 1232 Bengal era; the 8th Phagoon 1233 Fussily; the 21st Phagoon 1233 Willaity; the 9th Phagoon 1882 Sumbut; and the 22d Rujub 1241 Higeree.

**W**HEREAS it is enacted by clause second, Section 2, Regulation V. of 1814, that the provincial courts for the divisions of Calcutta, Dacca, Moorshedabad, Patna, Benares, and Bareilly, shall consist each of four judges: and whereas the heavy arrears of civil business in some of those courts render it expedient, that the number of judges should be occasionally increased, according as may, from time to time, appear necessary for the despatch of business, as well in the provincial courts of appeal, as in the courts of circuit; the following rules have been enacted, to be in force from the date of this regulation.

II. *First.* So much of clause second, Section 2, Regulation V. of 1814, as limits the number of judges of provincial courts to four, is hereby rescinded.

*Second.* It shall be competent to the Governor General in Council, to appoint as many judges in each of the provincial courts of appeal and courts of circuit, as may be deemed necessary for the due despatch of the business of those courts.

Preamble.

Parts of clause second, Section 2, Regulation V. 1814, rescinded. X

The number of judges in each of the provincial courts of appeal and circuit, to be augmented when deemed necessary.



## A. D. 1826. REGULATION II.

A REGULATION to extend, with certain Exceptions and Conditions, the existing Settlement in the Provinces ceded by the Nawaub Vizier to the British Government, for a further Period of five Years.—PASSED by the Governor General in Council on the 26th April 1826; corresponding with the 15th Bysaak 1233 Bengal era; the 4th Bysaak 1233 Fussily; the 16th Bysaak 1233 Willaity; the 5th Bysaak 1883 Sumbut; and the 18th Ramzaan 1241 Higeree.

**W**HEREAS the existing settlement in the provinces ceded by the Nawaub Vizier to the British Government, with the exception of certain districts and *mohauls*, will expire with the ensuing Fussily year 1234: and whereas, with certain exceptions, it appears to be expedient to extend the said settlement for a further term, in cases in which the settlement has been formed with *zemindars* or other persons recorded as proprietors or possessors of a permanent interest in the *mohaul* for which they have engaged, or as the representatives of such persons: and whereas it appears also to be desirable, to provide for the continuance of the engagements of *zemindars* and other persons as aforesaid, subsequently to the expiration of the period specifically fixed for the same, until a careful revision of the settlement can be completed: and whereas it is desirable to make further provision for securing the improvement of the country; the following rules have been enacted, to be in force throughout the British territories immediately subject to the government of the presidency of Fort William, from the date of their promulgation.

Preamble.

II. *First.* The existing settlement in the ceded provinces, (with the exceptions, and subject to the provisions hereinafter stated,) shall be extended to a further period of five years, viz. for the years 1235 to 1239 Fussily, inclusive, in cases in which it may have been concluded with *zemindars*, *lumberdars*, or other persons recorded as the proprietors or possessors of a permanent interest in the *mohaul* for which they may have engaged, or as the representatives of such persons.

The existing settlement in the ceded provinces extended to a further period of five years.

*Second.* If any *zemindars* and other persons aforesaid, shall be unwilling to continue their engagements for a further period of five years, on the terms specified in this regulation, they shall notify the same to the collector, or other officer exercising the powers of the collector, to whom they may be subject, on or before the 31st July next, corresponding with the 12th Sawun 1233 of the Fussily era. And all *zemindars* and other persons aforesaid, who shall not make a notification to the effect, and within the period above-mentioned, shall be held and are hereby declared to be responsible for the payment of the same revenue for each of the five years subsequent to the settlement now in force, viz. for the years 1235 to 1239 inclusive, as may be specified in their engagements for the year 1234 Fussily. And in such cases, no alteration shall be made in the *jumma* demandable by Government on account of the *mohauls* held by such persons, (excepting as hereinafter excepted,) until the expiration of the said period of five years.

*Zemindars*, if unwilling to continue their engagements for a further period of five years, to notify the same to the collector within a certain period.

On failure, to be responsible for the payment of revenue for each of the five years.

*Third.* The above rules shall not apply to the districts of Goruckpore and Asimghur, for which special provision was made by clause fourth, Section 2, Regulation VII. 1822, nor shall

The foregoing rules not applicable to the districts

## A. D. 1826. REGULATION II.

of Goruckpore and Azimghur, nor to any engagements specifically entered into on account of any year or years subsequent to the settlement now in force.

Power vested in collectors, to exclude from the operation of the foregoing rules, any *mohauls* of which a revised settlement may have been made, or be about to be made, under Regulation VII. 1822.

Notice to be given by collectors on such occasions to the *malguzars*.

*Zemindars* and other persons who may be continued in their engagements for a further period of five years, shall be subject, after the expiration of the lease, to the payment of the same annual *jumma* as may be chargeable on account of the last year of their lease.

Proviso.

What rules to be observed in the settlement of estates now let to farm, on the expiration of the existing leases.

Rules when *mohauls* may be let in farm.

The above rules to be applicable to estates now held *khas*.

*Zemindars* liable to be excluded for wilfully reducing the cultivation of their lands.

shall they be held in any district to effect the terms of any engagements which may have been specifically entered into on account of any year or years subsequent to the general settlement now in force.

*Fourth.* It shall be competent to collectors and other officers exercising the powers of collectors, subject to the orders of the Board of Revenue, to which they may be subordinate, to exclude from the operation of the preceding rules, any *mohaul* or *mohauls*, of which a revised settlement may have been made, or be about to be made, under the rules of Regulation VII. 1822, or in regard to which there may, in the judgment of these authorities, exist any special reasons for effecting an early re-settlement of the same; and in the case of *mohauls* of the last description, it shall be competent to the collectors, or other officers aforesaid, to make an immediate re-settlement of the same on the expiration of the existing leases; or to grant to the persons under engagements renewed leases for such further term (not exceeding five years) as the Board may direct. Provided however, that in all cases, in which it may be determined to adopt special measures as above, in regard to any *mohaul* or *mohauls*, the collector, or other officer aforesaid, shall give notice of such determination in writing to the person under engagements for the same on or before the 1st March 1827. A *perwannah* delivered to, or left at the usual residence of the *malguzar*, or a notification stuck up, under orders of the collector, in any conspicuous place within the *mohaul*, shall be held to be sufficient notice for the above purpose.

III. *Zemindars* and other persons, as aforesaid, whose engagements shall be continued for a further period of five years, as above provided, as well as all other persons who may hereafter enter into engagements as proprietors, or as the representatives of proprietors, shall, after the expiration of the leases so extended or granted, hold the *mohauls* for which they may have engaged, or may hereafter engage; and shall continue to be subject to the payment of the same annual *jumma*, as may be chargeable on account of the last year of their lease, until the collector, or other officer exercising the powers of collector, shall effect a detailed revision of the settlement in the mode prescribed by Regulation VII. 1822, or shall be otherwise specially authorized by Government to make a fresh assessment. Provided also, that no *zemindar* or other *malguzar*, as aforesaid, shall be liable to pay on account of any year, a higher *jumma* than that payable under the above rule, unless he shall have been apprized of the Board's approval of the new assessment on or before the month of Jeyte preceding. Nor shall any such *zemindar*, or other *malguzar*, be ousted from the management of any *mohaul* for which he may be under engagements, without such notice, except by due course of law, on a decision in favour of the title of another party claiming the property of the same.

IV. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases, for such a period as the Governor General in Council may direct: a preference shall be given to the *zemindars*, or other persons possessing a permanent property in the *mohauls*, if willing to engage for the payment of the public revenue on reasonable terms. Provided also, that in cases wherein such *mohauls* may be let in farm, the term of the lease granted to the farmers shall not, excepting as hereinafter excepted, exceed twelve years. The above rules shall likewise be applicable to estates now held *khas*; so in any case wherein the *zemindars* and other proprietors may refuse to continue their existing engagements on equitable terms, it shall be competent to the revenue authorities to let the lands in farm, for such period (with the restriction herein specified) as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under *khas* management, during the period aforesaid, or such shorter period as may be judged proper. Provided also, that in cases wherein it shall appear, that the *zemindars* have wilfully reduced the cultivation of their lands, or otherwise deteriorated the *mohaul* under their management, or in their occupancy, it shall be competent to the revenue authorities to exclude persons so offending, and to let the lands in farm, for a period of fifteen years; leases for a like period may also be granted to *zemindars* and farmers, in cases where from special local circumstances, the measure may appear necessary, with a view to the reclaiming of waste, the construction of works requisite for the extension of cultivation, or otherwise for the improvement of the country.

## A. D. 1826. REGULATION III.

A REGULATION for extending to Dewunny Prisoners, some of the Provisions in Regulation XIV. 1816; and for modifying the Rule contained in Section 3, Regulation IV. 1816.—PASSED by the Governor General in Council, on the 11th May 1826; corresponding with the 30th Bysaak 1233 Bengal era; the 19th Bysaak 1233 Fussily; the 31st Bysaak 1233 Willaity; the 4th Bysaak 1863 Sumbut; and the 3d Ram-zaan 1241 Higeree.

**W**HEREAS the rules contained in Regulation XIV. 1816, apply only to the criminal jails; and whereas it is expedient to extend them in part to prisoners confined in the civil jails under process of the civil courts: and whereas the occasional separation of the offices of judge and magistrate, makes it necessary to modify the rule contained in Section 3, Regulation IV. 1816; the following rules are therefore enacted, to be in force, from the time of their promulgation, in all the provinces immediately subject to the presidency of Fort William.

Preamble.

II. In modification of Section 3, Regulation IV. 1816, the control of the civil jail of each *zillah* and city jurisdiction is hereby vested in the magistrate of such district or city, and the magistrate shall henceforth perform the duties described in the section above cited.

Section 3, Regulation IV. 1816, modified.

III. The magistrate is hereby vested with authority to punish, on a summary inquiry, the offences specified in the following section of this regulation.

Magistrate vested with power of summary inquiry and punishment. Detail of offences.

IV. *First.* Refractory behaviour by any prisoner confined under process of the civil court, such as resistance to the jailer, guards, or other public officers, in the regular discharge of their public functions; abusive language to any such officers, and generally any culpable behaviour towards them, which may not involve a serious act of criminality, such as cannot be duly punished by the magistrate, and should therefore be brought before the court of circuit.

*Second.* Any other instance of disorderly conduct by a prisoner, such as riot, insurrection, attempt to escape, conspiring with other prisoners with a view to escape, or for the purpose of insurrection, or for any other unlawful or prohibited purpose, abusing or assaulting another prisoner, and generally, any misconduct committed by a prisoner whilst in custody, which, under the regulations in force, or from its aggravated nature, may not exceed the competency of the magistrate, and therefore be more properly cognizable by the court of circuit.

V. *First.* The powers vested in the magistrate for the punishment of the offences specified in the preceding section, which on a summary inquiry may appear to have been committed by any of the prisoners confined under civil process, are declared to be as follows, due regard being had to the nature of the offence, the condition of the prisoner, and every other just consideration applicable to the case.

Extent and mode of punishment.

*Second.* The offences specified in the preceding section shall be punishable by close confinement, or by a reduction of the prisoner's allowance, for any term not exceeding two months;



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months ; the allowance to be in no case reduced below what may be consistent with the prisoner's support, and the difference between the prisoner's full allowance and the reduced rate to be carried to the credit of Government as a fine.

Record of inquiry and sentence, and rule for the inspection thereof.

*Third.* The rule for conducting such summary inquiries, and recording such sentences, and for their inspection by the judge of circuit, shall be the same with that prescribed with regard to prisoners confined in the criminal jails, by Section 8, Regulation XIV. 1816.

Proviso.

VI. Provided, however, that nothing in this regulation shall be construed to give the magistrate any jurisdiction whatever over the question of a civil prisoner's liability to confinement, or title to release, with reference to the civil process under which he may have been sent to jail, or to preclude the judge of the civil court, or his ministerial officers, European or native, authorized and deputed by him, from visiting the civil jail, or the judge from summoning any civil prisoner to his court, upon matters connected with the civil process under which he is confined, or for other judicial purpose.

## A. D. 1826. REGULATION IV.

A REGULATION for expediting the Proceedings of the *Mofussil* and *Sudder* special Commissions, acting under the Provisions of Regulation I. 1821.—PASSED by the Governor General in Council, on the 22d June 1826; corresponding with the 9th Assaah 1223 Bengal era; the 3d Assaah 1233 Fuzsily; the 10th Assaah 1233 Willaity; the 3d Assaah 1883 Sumbut; and the 15th Zekaud 1241 Higeree.

**W**HEREAS it is expedient, with a view to the speedy accomplishment of the objects contemplated by the enactment of Regulation I. 1821, and Regulation I. 1823, that the members of the *mofussil* and *sudder* special commissions, appointed under the provisions of the first mentioned regulation, should be empowered to sit separately, and, under certain restrictions, singly to try and decide the cases cognizable by the said commissions; and further, that the members of the *mofussil* commissions, should be authorized to refer cases of certain descriptions to arbitration; the following rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation.

Preamble.

II. *First.* A single member of the *mofussil* special commission is hereby declared competent to hold a sitting of the said commission, and to exercise all the powers vested by the existing regulations in the commission collectively; subject only to such restrictions as may be prescribed by Government, or by the *sudder* special commission, with the sanction of Government.

A single member competent to hold a sitting of the *mofussil* special commission.

*Second.* All orders and decisions passed by a single member of the *mofussil* special commission, under the foregoing rule, shall have the same operation and effect as orders and decisions passed by the commission collectively; and shall be appealable only to the *sudder* special commission.

Orders passed by a single member of the *mofussil* commission to have the same force as orders passed by the commission collectively.

III. In cases coming under the cognizance of the *mofussil* special commission, in which the specific interest of the several *putteedars* or parceners of an estate or *mohaul* is disputed, and in which it may be difficult otherwise to adjust the differences of the claimants, the said commission, or any member of it, before whom such a case may be brought for trial, is hereby authorized, if the parties shall consent, to refer the adjustment of the matters in dispute to the arbitration of three or more neighbouring *zemindars*, or other respectable persons; and to pass judgment in conformity with their award.

The *mofussil* special commissioners may refer certain descriptions of cases to arbitration.

IV. A single member of the *sudder* special commission is hereby declared competent to hold a sitting of that commission, and to exercise all the powers vested therein by the existing regulations; subject to the provision, that no final order or judgment reversing or altering an order or judgment of the *mofussil* special commission, or of a member of it, shall be passed except by the concurrent decision of two members of the *sudder* special commission.

A single member competent to hold a sitting of the *sudder* special commission.



## A. D. 1826. REGULATION V.



A REGULATION for annexing to the Zillah of Agra, the Pergunnah of Goberdhun.—PASSED by the Governor General in Council, on the 22d June 1826; corresponding with the 9th Assaar 1233 Bengal era; the 3d Assaar 1233 Fussily; the 10th Assaar 1233 Willaity; the 3d Assaar 1883 Sumbut; and 15th Zekuddu 1241 Higeree.

**W**HEREAS the *pergunnah* of Goberdhun, forming part of the territories situated on the right bank of the Jumna, which were ceded to the Honorable the East India Company, by the treaty concluded with Dowlut Rao Scindiah, on the 30th November, 1803, and which *pergunnah* was subsequently granted free of assessment to Koor Luchmun Singh, a younger son of Raja Runjeet Singh, of Bhurtpoor, has been resumed in consequence of the death of the said Koor Luchmun Singh: and whereas it has been judged advisable to annex the said *pergunnah* to the district of Agra: the following rules have been enacted to be in force from the period of their promulgation.

Preamble.

II. The *pergunnah* of Goberdhun shall be annexed to the district of Agra, and the laws and regulations established for the internal administration of that district, are hereby declared to be in force and effect in *pergunnah* Goberdhun, from and after the promulgation of this regulation, subject, however, to the provisions contained in the following sections.

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in *pergunnah* Goberdhun, the cause of action in which may have originated previously to the 25th January, 1814, being a period of twelve years, antecedent to the date on which that *pergunnah* was resumed.

IV. The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence committed in any part of the said *pergunnah*, previously to the 25th January 1826, the date on which that *pergunnah* was resumed.

V. The stamp regulations shall not be enforced within the *pergunnah* of Goberdhun, during a period of one year, from the 25th January, 1826.

VI. The Governor General in Council reserves to himself the power of fixing the periods for which the settlement of the land revenue, shall from time to time be formed in the said *pergunnah*, according as local circumstances may appear to require; adhering, however, as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

The *pergunnah* of Goberdhun annexed to Agra, and the existing laws and regulations extended to that *pergunnah*, subject to the following provisions.

Civil courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 25th January, 1814.

Criminal courts prohibited from taking cognizance of offences, committed previously to the 25th January 1826.

Stamp regulations not to be enforced during a period of one year.

Power reserved to the Governor General in Council, of fixing the periods for the formation of the settlement of the land revenue.



# A. D. 1826. REGULATION VI.



A REGULATION for constituting the Jurisdiction of the joint Magistrate, stationed at Futtehpore, a distinct Zillah.—PASSED by the Governor General in Council, on the 13th July 1826 ; corresponding with the 30th Assaar 1233 Bengal era ; the 24th Assaar 1233 Fussily ; the 31st Assaar 1233 Willaity ; the 9th Sawun 1883 Sunbut ; and the 6th Zehejja 1241 Higerec.

**W**HEREAS it is deemed essential, with a view to the more efficient administration of civil and criminal justice, as well as to ensure the more punctual realization of the land revenue, that the tract of country, comprising portions of the districts of Cawnpore and Allahabad, now under the authority of the joint magistrate stationed at Futtehpore, should be constituted a separate *zillah*, with such modification of limits as may hereafter appear to be advisable, the following rules have been enacted to be in force from the 1st of September next.

Preamble

II. *First.* From and after the date specified in the preamble to this regulation, the tract of country forming portions of the districts of Allahabad and Cawnpore, comprised in the following police *thana* divisions, viz. in the *thanas* of

What police *thanas* of Allahabad and Cawnpore to constitute a distinct civil and criminal jurisdiction, to be denominated the *zillah* of Futtehpore

Currah,	}	In the district of Allahabad ;
Hutgong,		
Hussooah,		
Futtehpore,		
Ghazeepore,		
and		
Kishunpore,	}	In the district of Cawnpore ;

And in the *thanas* of

Bindkee,	}	In the district of Cawnpore ;
Khujooa,		
Corah Juhanabad,		
and		
Amowly,		

shall constitute a distinct civil and criminal jurisdiction, to be denominated the *zillah* of Futtehpore.

*Second.* Provided however, that it shall be competent to the Governor General in Council, by an order in council, to make any alteration in the limits of the said *zillah*, or of any of the *zillahs* adjacent, which may at any time be deemed necessary or expedient.

Proviso.

III. The *zillah* of Futtehpore shall be subject to the jurisdiction of the provincial court of appeal, and court of circuit, for the division of Benares.

Futtehpore *zillah* to be subject to the provincial court of Benares.



## A. D. 1826. REGULATION VII.



A REGULATION *for transferring the Control of the Benares Mint, from the Board of Revenue in the central Provinces, to a local Committee.*—PASSED by the Governor General in Council, on the 13th July 1826 ; corresponding with the 30th Assaar 1233 Bengal era ; the 24th Assaar 1233 Fussily ; the 31st Assaar 1233 Willaity ; the 9th Sawun 1883 Sumbut ; and the 6th Zeheija 1241 Higeree.

**W**HEREAS it will conduce to the public convenience, to vest the superintendence of the Benares mint in a local committee, according to the principle already acted upon in regard to the Calcutta mint ; the following rules have been enacted, to be in force from the date of their promulgation.

Preamble.

II. Sections 15 and 17, Regulation II. 1812, and so much of any other regulation in force, as vests the Board of Revenue in the central provinces, with the superintendence of the Benares mint, are hereby rescinded. The mint and assay masters of the said mint, and the subordinate officers, shall be subject to the authority of a local committee, consisting of such officers as the Governor General in Council may, from time to time, appoint ; and the said committee shall be guided by such rules as may be prescribed by Government.

The Benares mint to be subject to the authority of a local committee.





## A. D. 1826. REGULATION VIII.



A REGULATION for modifying certain Parts of Regulation VII. 1824, relative to contraband Opium.—PASSED by the Governor General in Council, on the 13th July 1826; corresponding with the 30th Assaar 1233 Bengal era; the 24th Assaar 1233 Fussily; the 31st Assaar 1233 Willaity; the 9th Sawun 1883 Sumbut; and the 6th Zeheija 1241 Higeree.

**W**HEREAS it appears to be advisable to modify certain parts of Regulation VII. 1824, relative to contraband opium; the following rules have been enacted, to be in force from the date of their promulgation.

Preamble.

II. In modification of Section 20, Regulation VII. 1824, it is hereby declared and ordered, that by “marketable opium,” is to be understood, opium having not more than one quarter of foreign matter in it; and that by “inferior opium” is to be understood, opium having not more than one half of foreign matter in it, and that all opium adulterated with more than one half of foreign matter, shall be considered useless.

Section 20, Regulation VII. 1824, modified.

III. In modification of the rules, contained in Section 21, Regulation VII. 1824, relative to the rewards payable to persons concerned in the seizure of opium, it is hereby provided, that it shall be competent to the Governor General in Council, by an order in council, to discontinue the payment of the said rewards to any officers of Government whatever, and to modify the distribution of the rewards receivable by such officers, in the same manner as is already provided by clause first of the said section and regulation, in regard to covenanted servants of the Company.

Section 21. of the above regulation, relative to rewards payable to persons concerned in the seizure of opium, modified.



## A. D. 1826. REGULATION IX.



A REGULATION for transferring the Superintendence of the Custom House at Patna, from the Board of Revenue in the central Provinces, to the Board of Customs at the Presidency ; and for vesting the latter Board with the Control of the other Customs in the central and western Provinces, and in the Province of Cuttack, concurrently with the central and western Boards of Revenue and the Commissioner of Cuttack respectively.—PASSED by the Governor General in Council, on the 13th July 1326 ; corresponding with the 30th Assuar 1233 Bengal era ; the 24th Assaar 1233 Fussily ; the 31st Assaar 1233 Willaity ; the 9th Sawun 1883 Sumbut ; and the 6th Zeheiju 1241 Higeree.

**W**HEREAS the *sudder* station of the Board of Revenue, for the central provinces, has been removed from Patna to Allahabad, and the charge of the custom house established at the former station, has been vested in the superintendent of the salt *chokees* in Behar, which officer is subordinate to the Board of Customs, Salt, and Opium at the presidency ; and other circumstances appear to render it expedient to transfer to the last-mentioned Board, the superintendence of the said custom house, with the same powers and authority in regard to the customs and town duties, as are now possessed and exercised by the central Board of Revenue : and whereas, with the view of establishing an uniform and efficient system of audit, it appears further to be expedient to modify the system according to which the operations of the several other custom houses in the central and western provinces, and in Cuttack, touching the collection of the custom duties, are now superintended and controlled, by vesting in the Board of Customs at the presidency authority to superintend and regulate the management of the several custom houses aforesaid, in concurrence with the boards and commissioner to whom the collectors in the said provinces are now subject ; the following rules have been enacted, to be in force from the date of their promulgation.

Preamble.

II. So much of Regulations IX. and X. 1810, Regulation III. 1822, and of any other regulation in force as vests the Boards of Revenue in the central and western provinces, and the commissioner of Cuttack, with the control over the custom houses in the said provinces, is hereby declared subject to the following modifications.

Parts of Regulations IX. and X. 1810, Regulation III. 1822, and other regulations modified.

III. The Board of Revenue in the central provinces shall, from the date of the promulgation of this regulation, cease to exercise any authority over the collector of customs and town duties at Patna ; and the Board of Customs at the presidency shall be vested with the duties, powers, and authority now possessed and exercised by the central Board, in regard to the said custom house, and to all persons and things chargeable with customs or town duties at that place, or subject to the authority, or liable to the process of the collector thereof.

The collectors of customs and town duties at Patna, to be subject in future to the authority of the Board of Customs at the presidency.

IV. The collectors and deputy collectors of customs at Ghazepore, Benares, Mirzapore, Allahabad, Cawnpore, Furruckabad, Bareilly, Meerut, Agra, and Balasore, shall be subject to the Board of Customs at the presidency, in regard to the rates of duty to be levied,

The collectors and deputy collectors of customs at Ghazepore, Benares, Mirzapore, Allahabad,

## A. D. 1826. REGULATION IX.

Cawnpore, Furruckabad, the valuation of goods, the issuing and disposing of *rowannahs* and passes, the appointment, dismissal, and punishment of their native officers, the preparation of reports, registers, and accounts, the establishment of *chokees*, the sale of goods deposited or confiscated, and generally in regard to all matters relating to the collection of the Government customs at the presidency. (excepting as hereinafter excepted), in the same manner as they are now subject respectively to the authority of the central and western boards of Revenue, and the commissioner of Cuttack ; and the said Boards and commissioner shall not interfere with the proceedings of the collectors in regard to the said matters, unless specially authorized to do so by the Governor General in Council. If any doubt shall arise in regard to the intent and meaning of this rule, it shall be competent to the Governor General in Council by an order in council to determine the point, any thing in the existing regulations to the contrary notwithstanding ; and generally to decide, with the exception hereinafter stated, under what authority the collectors and deputy collectors aforesaid, shall act in the discharge of any part of their official duty.

What powers shall continue to be exercised by the central and western Boards of Revenue, and commissioner of Cuttack.

V. Provided however, that the central and western Boards of Revenue, and commissioner of Cuttack, shall continue to possess and exercise the same powers and authority as now belong to them, in regard to the confiscation of goods, the levying of double duty, and other penalties prescribed for acts done by individuals in violation of the custom law, and the remission of the same : and all cases relative to such confiscations and penalties shall be reported by the officers, as above mentioned, to the said Boards and commissioner respectively, as heretofore ; and shall be dealt with and decided by them agreeably to the regulations in force.

## A. D. 1826. REGULATION X.



A REGULATION for removing Doubts as to the Application of Section 50, Regulation X. 1819, to the district of Goruckpore; for prohibiting the Manufacture, within any of the Districts of Bengal, Behar, and Orissa, of *Noon-chye*, or any description of saline Substance, used as a Condiment with Food, excepting on Account of, or with the Permission of Government; and for providing for the retail Sale of Salt by Government Officers in certain Cases.—PASSED by the Governor General in Council, on the 13th July 1826; corresponding with the 30th Assaer 1233 Bengal era; the 24th Assaer 1333 Fussily; the 31st Assaer 1233 Willaity; the 9th Sawun 1883 Sumbut; and 6th Zeheija 1241 Higeree.

**W**HEREAS doubts have arisen as to the application of the rule contained in Section 50, Regulation X. 1819, to the district of Goruckpore, which it is desirable to remove: and whereas it appears that the manufacture of a saline substance denominated *noon-chye*, being the ashes of straw burnt after having been steeped in salt water, and the preparation therefrom of condimentary salt is carried on in the district of Chittagong to a great extent, contrary to the obvious intent and meaning of the law: and whereas it is the intention of Government to authorize the retail sale of salt at a cheap rate in the said district, and in certain other parts of the country, where such a measure appears to be required for the relief of the people, according to a system already established in the province of Cuttack; the following rules have been enacted, to be in force from the date of their promulgation.

Preamble.

II. It is hereby declared and enacted, that the provisions of Section 50, Regulation X. 1819, which prohibit all persons from importing, transporting, or storing within the distance of eight *cos*s from the limits of the districts of Shahabad and Sarun, any of the salt described in the preceding section of the said regulation in quantities exceeding one *maund*, and which render all salt imported, transported, or stored in violation of the said prohibition liable to seizure and forfeiture, are and shall be considered applicable to the importation, transportation, or storing any quantity of the salt therein referred to, exceeding one *maund*, within the distance of eight *cos*s from the limits of the district of Goruckpore, or of any other district belonging to this presidency, and adjoining the province of Behar.

The provisions of Section 50, Regulation X. 1819, to be applicable to the district of Goruckpore, and to any other districts adjoining the province of Behar.

III. It is hereby declared and enacted, that the manufacture within the provinces of Bengal, Behar, and Orissa, of *noon-chye* or any description of saline substance used as a condiment with food, (excepting on account of Government or with its sanction,) is and shall be considered to be a violation of the rule contained in Section 30, Regulation X. 1819. Any place prepared for the reception or evaporation of salt water, or the collection of earth or other matter impregnated with salt, for the purpose of manufacturing salt or any saline substance as aforesaid, shall be held to constitute a salt work, within the meaning of Section 31. and the four subsequent sections of the said regulation. And the manufacture, importation, transportation, possession, sale, and purchase of any saline substance, as aforesaid, shall be; and be held liable to the same rules, restrictions, and penalties

The manufacture of *noon-chye* or any other description of saline substance in the provinces of Bengal, Behar, and Orissa, shall be considered to be a violation of the rules contained in Section 30, Regulation X. 1819.

What place shall be held to constitute salt works.

ties

## A. D. 1826. REGULATION X.

ties as attach to manufacture, importation, transportation, possession, sale, or purchase of ordinary alimentary salt.

Retail sale of salt allowed under certain circumstances.

Special rules to be prescribed in such cases.

Such rules to be published.

IV. Where from local circumstances or other sufficient cause, it shall appear to Government to be proper to direct the retail sale of salt within any particular district or tract of country, and consequently to modify the rules generally applicable to that branch of the public resources, it shall be competent to the Governor General in Council, by an order in council, to direct the said rules, or any part of them to be suspended within the district or tract of country in question, for such period as may from time to time appear proper, and in lieu thereof to prescribe for the same such other rules relative to transportation, sale, purchase, and possession of salt, and for the issue and disposal of *rowannahs* and passes, as may from time to time appear to be expedient. Provided however, that the penalties attaching to the violation of the rules so specially prescribed shall not in any case exceed those, which would attach under the general regulations to the illicit transportation, sale, purchase, or possession of the like quantity of salt. In all such cases, the special rules prescribed shall be published in the current language of the district, and shall be affixed at the *cutcherree* of the judge, magistrate, and collector of the district, as well as at the office of the local salt agent and superintendent of *chokees*, and the several police *thanas*, and salt *chokees* within the tract in question.

## A. D. 1826. REGULATION XI.



A REGULATION for providing a Succession of duly qualified Hindoo and Mahomedan law Officers, in the several Courts of Justice, and for enacting an additional Rule for the Appointment of Vakeels in the *zillah* and city Courts.—PASSED by the Vice-President in Council, on the 4th August 1826; corresponding with the 21st Sawun 1233 Bengal era; the 16th Sawun 1233 Fussiky; the 22d Sawun 1233 Willaity; the 1st Sawun 1883 Sumbut; and the 28th Zeheija 1241 Higeree.

**W**HEREAS the power formerly exercised by the Governor General in Council of confirming the appointment of the law officers of the provincial, *zillah*, and city courts, was transferred to the court of Sudder Dewanny Adawlut, by Section 4, Regulation VIII. 1809, and considerations which are connected with measures in progress under the immediate control of Government for promoting education amongst the natives of these provinces, and for securing the services of the most able and learned persons for those high offices, have suggested the expediency of altering the rules now in force for the nomination and appointment of the law officers in the several courts of justice, and of vesting the confirmation of all such appointments in the executive Government: and whereas it is deemed advisable to provide by a specific enactment, in addition to the rules contained in Section 3, Regulation XXVII. 1814, for the admission of qualified students at the public colleges under this presidency to hold the office of *vakeel* in any of the *zillah* and city courts; the following rules have been passed by the Vice-President in Council, to be in force, from the date of their promulgation, throughout the whole of the provinces immediately subject to the presidency of Fort William.

Preamble.

II. The rules contained in Regulations V. 1804, VIII. 1809, and XVIII. 1817, or in any other regulation now in force, relative to the nomination and appointment of the law officers of the several courts of justice, are hereby declared subject to the modification contained in the present regulation: provided however, that nothing in this regulation shall be construed to alter or affect the power vested in the court of Sudder Dewanny Adawlut by Section 4, Regulation VIII. 1809, of confirming the removal of the law officers of the provincial, *zillah*, and city courts; or to alter any part of the rules now in force respecting the removal of a law officer attached to any of those courts.

Regulations V. 1804, VIII. 1809, and XVIII. 1817, modified.

Proviso.

III. The appointment and removal of the law officers of the Sudder Dewanny Adawlut and Nizamut Adawlut, shall be reported as heretofore for the previous sanction of the Governor General in Council; subject to the further provisions contained in the present regulation.

The law officers of the Sudder Dewanny Adawlut and Nizamut Adawlut, how to be appointed and removed.

IV. *First.* The law officers of the provincial courts of appeal and circuit, and of the *zillah* and city courts, shall hereafter be appointed by the Governor General in Council.

The law officers of the provincial, *zillah*, and city courts, to be hereafter appointed by the Governor General in Council.

*Second.* Whenever a law officer may be removed from his station, or whenever a vacancy may occur in the office of law officer in any of the courts of justice, from death, resignation, or otherwise, the judge or judges of the court in which the removal or vacancy may have occurred, shall nominate for the approbation of the Governor General in Council, a person duly qualified to succeed to the station so vacated, and shall at the same time report fully

Rule to be observed on the removal, death, or resignation, of a law officer.



## A. D. 1826. REGULATION XI

the past employments, character, qualifications, and age of the proposed successor, and likewise whether he has obtained the prescribed certificate of qualifications hereafter noticed : the Governor General in Council, on consideration of such report, or after calling for any further information that may appear necessary, will either confirm the person so nominated to fill the vacated office ; or will issue orders for his examination ; or appoint any other person whom he may deem better qualified for the office.

No person to be appointed a law officer, who shall not have obtained a certificate of qualification.

V. *First.* After the promulgation of this regulation no person shall be appointed to be a Hindoo or Mahomedan law officer in any of the courts of justice under this presidency, who shall not have obtained a certificate of qualification (in one of the forms, A. or B. contained in the appendix), after having undergone an examination, to be conducted in the manner hereafter noticed, by a committee, consisting of such persons as the Governor General in Council may, from time to time, be pleased to appoint for that purpose.

Annual examination of candidates for the situation of law officer, to be held before a committee.

*Second.* Public examinations shall be held before the committee early in each year, or at such periods as may be fixed by order of the Governor General in Council, of all persons who may offer themselves as candidates for the office of law officer, the result of which shall be reported to Government, and so many of the candidates as shall be found upon examination to be eminently qualified for the office of Hindoo or Mahomedan law officer, shall receive from the committee a certificate of qualification in the form A. contained in the appendix to this regulation.

Persons who may not have previously obtained a certificate of qualification, how to be examined.

*Third.* Whenever any person, who may be nominated to the office of law officer by the Sudder Dewanny and Nizamut Adawlut, by the provincial court of appeal and circuit, or by the *zillah* or city judge, shall not have previously obtained a certificate of qualification, the Governor General in Council will issue such orders as may be deemed proper for the examination of such person ; either before the committee at the presidency, or by means of written interrogatories to be transmitted by the committee to the judge or judges of the court in which the vacancy of law officer may have occurred, in whose presence the answer to such interrogatories shall be written by the person nominated for the vacant office ; or by such other mode, as under the direction of the committee at the presidency may be calculated to ensure a fair and impartial examination of the candidate.

The committee to report the result of their examinations, and grant certificates to candidates who may be duly qualified.

*Fourth.* The committee at the presidency shall report the result of the examination, prescribed in the foregoing clause, for the information of Government ; and in the event of the candidate being declared duly qualified for the office of Hindoo or Mahomedan law officer, (as the case may be,) such candidate shall receive from the committee, a certificate of qualification according to one of the forms A. or B. with reference to the mode in which the examination of the candidate shall have been conducted.

A native student in any of the public institutions under this presidency who shall have received a certificate of qualification, shall be admitted to practise as a *vakeel* in any of the *zillah* and city courts on application ;

VI. In addition to the rules contained in Section 3, Regulation XXVII. 1814, for the nomination and appointment of *vakeels* in the several *zillah* or city courts, it is hereby enacted, that, after the promulgation of this regulation, any native student who may have been educated, or have received instruction at one of the public institutions under this presidency, and who shall have received a certificate of adequate proficiency in the laws and regulations, and of good character, from the superintending committee of any of the public colleges supported by Government, according to the form C. in the appendix to this regulation, shall, on making application to any of the courts above-mentioned, be entitled to receive a *sunnud* of appointment to practise as a *vakeel* in the *zillah* or city court to which the application may be made, unless the number of *vakeels* already attached to such court, (including those allotted to the courts of the register and *sudder ameens* in pursuance of Section 16, Regulation XXVII. 1814,) shall render the immediate admission of any additional *vakeel* or *vakeels* highly inconvenient and objectionable, in which case the admission of the person so applying may be postponed by order of the judge of the court, so long as shall appear necessary. Provided always, that every person, previously to his being admitted to practise as a *vakeel*, shall take and subscribe before the said court, the oath, or solemn declaration in lieu thereof, required by clause first, Section 5, Regulation XXVII. 1814, and shall be held liable for misconduct to be deprived of the *sunnud* granted to him by the court, and to all the penalties to which the *vakeels* of the courts of justice are declared subject, by the regulations which have been or may be enacted.

Unless strong objections exist to his admission

Proviso.

# A. D. 1826. REGULATION XI.

## APPENDIX.

### A.

#### Certificate of a Hindoo or Mahomedan Law Officer.

(Seal of the Committee.)  
We hereby certify, that at an examination held at the presidency of Fort William on the \_\_\_\_\_ by the committee appointed under the provisions of Regulation XI. 1826, A. B. was found and declared to be qualified, by his eminent knowledge of the Hindoo (or Mahomedan) law, to hold the office of Hindoo (or Mahomedan) law officer, in any of the established courts of judicature.

(To be signed by the president, and not less than two members of the committee of examination.)

This certificate has been granted to the said A. B. under the seal of the committee, this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ corresponding with the (Mahommedan or Hindoo date.)

C. D.

Secretary to the committee.

### B.

#### FORM of certificate of a Hindoo (or Mahomedan) law officer, when examined at a special examination.

(Seal of the Committee.)

We hereby certify, that the committee of examination at the presidency of Fort William, having duly considered the proceedings held on the examination of A. B., conducted under the provisions of clause third, Section 5, Regulation XI. 1826, do consider the said A. B. to be duly qualified, by his knowledge of Hindoo (or Mahomedan) law, to hold the office of Hindoo (or Mahomedan) law officer in any of the established courts of judicature.

(To be signed by the president, and not less than two members of the committee of examination.)

This certificate has been granted to the said A. B. under the seal of the committee, this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ corresponding with the (Mahomedan or Hindoo date to be here inserted.)

C. D.

Secretary to the Committee.

### C.

#### CERTIFICATE of a student in any of the colleges established by Government, who may be declared qualified to be admitted as a *nakeel* in any of the *zillah* or city courts.

(Seal of the College.)

We hereby certify, that at an examination of the students in the (Hindoo or Mahomedan) college at \_\_\_\_\_ held on the \_\_\_\_\_, A. B. was found qualified, by his proficiency in the Hindoo (or Mahommedan) law, and in the regulations of the British Government, to discharge the duties of pleader in any of the *zillah* or city courts.

We further certify, that the said A. B. is reported by the officers of the college to be of good character, and to have conducted himself with propriety during the time he has been attached to the college.

(To be signed by the examiners.)

This certificate has been granted to the said A. B. under the seal of the college this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ corresponding with (the Mahomedan or Hindoo date.)

C. D.

Secretary to the College.



## A. D. 1826. REGULATION XII.



A REGULATION for raising and levying Stamp Duties within the Town of Calcutta.  
—PASSED by the Vice-President in Council, on the 14th December 1826; corresponding with the 30th Aughun 1233 Bengal era; the 30th Aughun 1234 Fussily; the 1st Poose 1234 Willaity; the 15th Aughun 1883 Sumbut; and the 13th Jumadee-ul-Awal 1242 Higeree.

**W**HEREAS stamp duties have long been raised, levied, and paid within the provinces subordinate to this presidency, and whereas it appears expedient, with a view to the improvement of the revenue derived from the said duties, and is otherwise just and proper, that a similar tax should be levied and paid within the town of Calcutta, the Vice-president in Council, under the powers vested in him by virtue of the 98th and 99th Sections of the Act 53 George III. Cap. CLV. and with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force within the said town of Calcutta, from and after the 1st day of May next ensuing.

Preamble.

II. A stamp duty shall be levied, raised, and paid within the precincts of the city of Calcutta, upon the deeds, instruments, and writings, and according to the rates specified in the schedule annexed to this regulation, from and after the date specified in the preamble of this regulation; and no instrument, deed, or writing of the descriptions specified in the said schedule, (saving of course what may be therein declared to be exempted,) shall be written or printed on any vellum, parchment, paper, tar-leaf, or other material applicable to such purpose, except the same shall have been duly stampd according to the rules of this regulation.

Stamp duties to be levied and paid within the city of Calcutta.

III. The duty hereby directed to be levied, raised, and paid in Calcutta, shall be under the care and management of the Board of Revenue at the presidency, or of such other commissioner or commissioners as the Governor General in Council may, from time to time, appoint; and on notice of such appointment being given in the Government Gazette, the commissioner or commissioners shall possess and exercise all the powers and authorities relative to stamps vested in the Board of Revenue by this or any other regulation which may hereafter be enacted.

The collection of the duty to be under the control of the Board of Revenue, or other commission appointed by Government.

IV. A stamp office, at which stamps of the several descriptions provided for by this regulation shall be prepared and kept in store, shall be established at such house, building, or place within the city of Calcutta, as the Governor General in Council may deem suitable for the purpose, and the same shall be under the charge of an officer to be denominated superintendent of stamps in Calcutta, who shall, in all matters connected with the execution and due enforcement of this regulation, be subject to the orders of the Board of Revenue. The superintendent shall keep an exact account of all stamps impressed or manufactured by the Government officers, as well as of all issues from the depôt, and of the quantity of stamp paper, vellum, or parchment of each description remaining in store: he shall likewise prepare and submit to the Board of Revenue, such periodical reports and statements, as may be required by that authority.

Stamp office to be established under charge of superintendent of stamps.

Duties of superintendent.

Stamps how to be impressed and where.

**V. First.** For every sum charged, or purported to be charged as stamp duty on any vellum, parchment, paper, or other material, two stamps shall be impressed on such material, each of which shall specify in the English, Persian, and Bengalee character, the amount of the sum charged. One of the said stamps shall be affixed at the stamp office, and shall bear, besides the value as above, the words "stamp office," in the English character, with any further device or legend which the Board of Revenue may see fit to direct. The other impression shall be a counterstamp, to be impressed at the general treasury, bearing similarly, along with the amount of duty levied, the words "general treasury," in English. No stamp paper shall be used for any purpose, for which the same may be required by this regulation, except such as may bear both impressions as above directed, together with the signature of the vender, distributor, or other authorized person, as hereinafter prescribed.

Board of Revenue to cause proper stamps to be provided.

**Second.** It shall be the duty of the Board of Revenue, or other authority exercising the power of that Board, to provide or cause to be provided, proper and sufficient stamps or dies, for expressing and denoting the several duties and rates specified in the schedule annexed to this regulation; and it shall be competent to the Board of Revenue, or other authority aforesaid, if they shall judge it expedient, to direct the employment of two or more stamps, to denote the amount chargeable on any single piece of vellum, parchment, paper, or other material: provided however, that the stamps impressed at the stamp office of the superintendent of stamps, or other place appointed in lieu of it, shall always correspond in number and value with the counterstamps impressed at the general treasury, and that all dies shall, besides the words denoting their value, contain the following words, that is to say, those used at the office of the superintendent of stamps, or other place aforesaid, shall contain the words "stamp office," and the counterstamp impressed at the general treasury, shall similarly contain the words "general treasury."

Board of Revenue to alter the dies from time to time.

**Third.** The said Board, or other authority, shall have the power of, at any time, changing or altering such dies, and of regulating the size, shape, manner, and matter of the impressions at discretion, provided that the stamp to be affixed at the stamp office do always contain in plain and legible characters, the legend prescribed for it in the preceding clause, and that the counterstamp of the treasury do similarly contain its legend: provided also, that the Board of Revenue, or other authority aforesaid, shall, in the exercise of the powers and functions vested in them by this regulation, be guided by such special directions as they may receive from the Governor General in Council, in the manner heretofore used in all matters and things belonging to the management of the public revenue.

Collector of stamp duties in Calcutta, how to be appointed.

**VI. First.** An officer, being a civil servant of the Honorable Company, shall be specially appointed by the Governor General in Council, to take charge of the collection of the stamp duty within the city of Calcutta. Such officer shall provide for the sale and distribution of the stamps, being answerable to Government for the amount of duty chargeable upon each and every paper, vellum, or parchment, received by him for distribution. The collector of the Calcutta stamp duty shall receive such salary or other remuneration as may be appointed by the Governor General in Council. He shall, in all things connected with the collection of this duty, be subject to the orders of the Board of Revenue, and shall keep such accounts, and in such forms, as may be prescribed by that authority.

Collector to be subject to the orders of the Board of Revenue.

Collector's office where to be held.

**Second.** The collector of the stamp duty shall hold his office, either in the same house with the stamp office, or as near to that office as may be practicable. He shall at all times be supplied with stamps upon indent by the superintendent, to whom he shall grant receipts in duplicate.

Venders and distributors of stamps how to be appointed.

**Third.** It shall be the special duty of the collector of stamps to select proper persons, resident in different parts of the town, for the purpose of vending and distributing stamps on the part of Government. The appointment and removal of such venders shall be ordinarily made at his recommendation, by the authority of the Board of Revenue. Provided however, that nothing herein contained shall be construed to preclude the Board of Revenue, or the Governor General in Council, from causing licenses to be granted, without any recommendation from the collector, whenever they shall see fit to issue to him directions to that effect, under the general powers exercised by the Board and by Government over all subordinate officers employed in the management or collection of the public revenue.

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**Fourth.** Every vender shall be furnished with a license under the seal and signature of the collector, and the appointment of any one to this duty, as well as the withdrawing of any one's license or other discontinuance of his authority to vend, by resignation, death, and the like, shall be notified in the Government Gazette, for general information.

Venders to be furnished with licenses.

**Fifth.** No person, not licensed after the manner provided in the preceding clause of this section, (unless he should be otherwise specially authorized by the Board of Revenue,) shall be competent to expose stamp paper, parchment, or other material publicly to sale, and any one offending in this respect, shall forfeit to Government, for the first offence, the sum of sicca rupees five hundred, and for the second, or any subsequent offence, the sum of one thousand sicca rupees. But nothing herein contained shall be deemed to prevent persons having duly purchased stamped paper from the authorized venders of Government, or having otherwise obtained such paper from the stamp office, after the manner hereinafter provided, from transferring the same to others at a price equal to the amount of duty denominated by the stamp or stamps impressed thereon : provided however, that every person, who may so transfer stamp paper, shall endorse the same with his signature in the presence of one or more creditable persons, and the proof that the paper was purchased as aforesaid, shall lie with the person so transferring it. Provided also, that if any individual shall sell or buy any stamp paper, or other material bearing or purporting to bear the Government stamp, for a less price than the amount of the duty denominated by the stamp or stamps thereon impressed, he shall forfeit for each and every piece of paper, or other material so bought or sold by him, the sum of fifty rupees.

No person shall publicly sell stamps without license, or special authority from the Board of Revenue.

Penalty for breach of this rule.

But persons purchasing stamp paper may transfer the same :

Under what conditions.

Penalty for purchase or sale of stamp paper at a value less than the amount of the duty impressed on the same.

**VII. First.** For the convenience of merchants and others, who may be desirous of having at all times in their possession papers, parchments, or the like, stamp with various impressions, to be used as occasion may require, in the drawing up of instruments of any of the descriptions required to be executed on materials impressed with the Government stamps ; it is hereby provided, that any person desirous of obtaining a supply of stamp paper or other material, shall, on application to the collector of stamps, and the payment into his treasury of the amount chargeable on account of the stamps required, receive a certificate from the collector, stating the amount paid, and the number and value of the stamps required ; and on the production of that certificate, together with the necessary quantity of plain paper, parchment, or other material, the superintendent shall cause the same to be immediately stamped at his office, with the stamps specified in the said document, and shall transmit the said papers, parchments, or other materials, to the general treasury, to be there impressed with the necessary counterstamps. Provided however, that no person shall be entitled to require the collector to grant a certificate in the manner above stated, unless the total value of the stamps for which he may tender payment shall amount to the sum of one hundred rupees ; and the number of pieces of paper, vellum, or other material required to be stamp, shall not be less than twenty.

Individuals how to get a supply of stamp paper from the stamp office.

**Second.** No paper, vellum, parchment, or other material, shall, on any account, be received by the superintendent of stamps, to be stamp on account of any individual, unless the same be accompanied with a receipt in full, under the signature of the collector of stamps, for the entire amount of duty which may be required to be impressed thereon, or unless the same be sent him to be stamp by authority of the Board of Revenue, under the powers vested in that Board by this regulation. The receipt of the collector shall, in all cases, specify, as well the aggregate amount paid, as the number and description of the stamps required, and the exact number of sheets or pieces on which the same are to be impressed. All such receipts shall be disposed of by the superintendent in such manner as the Board of Revenue may prescribe.

The superintendent not to stamp any paper, or the like, on account of any individual, without first requiring the receipt of collector for the amount.

**Third.** The superintendent of stamps shall appoint one or more officer or officers of his establishment to receive and compare with the collector's receipt, all papers or the like brought to be stamp as above, and after the stamps shall have been affixed, the same officer shall again count the whole and sign his name at the back of each separate sheet, or piece of paper, or other material, and he shall likewise note on each, the date on which the said paper is ready for re-delivery, and further make an entry to that effect, with specification of the quantity of paper or the like impressed with each description of stamp, in a book to be specially kept

Forms to be observed on the issue of stamps under the above clauses.

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by him for that purpose. When the paper or other article shall be prepared in the manner above described, it shall be made up into a parcel to be sealed with the superintendent's seal, and shall, in that state, be forthwith transmitted to the person who may have sent it to be stampd; or at the superintendent's option, notice shall be sent of its being ready for delivery when called for.

In what case a discount may be allowed by collector.

At what rate.

How to be brought to account.

Licensed venders may purchase stamps under what conditions.

Penalty on superintendent for stamping paper, or the like, on account of individuals, without certificate from collector.

Or other sufficient authority.

Penalty on collector for granting certificate before duty is paid.

Penalty on native officer or other person causing or procuring stamp to be impressed, or certificate granted irregularly.

Rules for venders and distributors.

Venders and distributors, to give security for the due discharge of their duty.

Rules to be observed by them.

*Fourth.* Whenever any person or persons shall desire to send paper, or other material, to the stamp office, for the purpose of being stampd, and shall consequently pay the amount of duty in advance in the manner above required, it shall be competent to the collector of stamps, in case the total amount so falling to be paid shall exceed the sum of five hundred rupees in any one payment, to allow to the party making such payment, a discount at the rate of four per cent. upon the aggregate amount of duty leviable, or such other rate as may, from time to time, be appointed by the Governor General in Council, by notification in the Government Gazette, and the amount of such discount shall be charged, and entered on the collector's accounts, under the head of disbursements.

*Fifth.* It shall also be competent to the Board of Revenue to direct and cause stamps to be furnished in the manner, and on the terms prescribed in this section to any licensed venders, who may be willing to purchase the same: all such persons, however, shall, in the sale of stampd paper so furnished to them, be subject to the same rules, as are prescribed for the sale of stamps supplied to them on account of Government. Provided however, that if such vender shall resign, or be dismissed, or his license be otherwise cancelled, then and in that case he, his representative, or assign, shall deliver up to the collector of stamps, or to such person as he may appoint to receive the stampd paper, vellum, or the like, furnished to him under the provisions of this section, or such portion as may not have been disposed of, and shall be entitled to recover a sum equivalent to the price which he may have advanced for the same, viz. the specified amount of the stampd paper, or other material aforesaid, with a deduction of the discount that may have been allowed on it.

**VIII. First.** If any superintendent or other officer shall fix, or impress, or cause to be fixed or impressed, any stamp to or upon any vellum, parchment, paper, or other material, which shall be brought to the stamp office, to be stampd or marked, without a regular certificate from the collector of the amount of duty having been paid, or without special authority in writing from the Board of Revenue, he shall for every such offence forfeit the sum of one thousand rupees. In like manner, if any collector, or other officer appointed to receive the stamp duty, shall grant a certificate of the above description, before the prescribed duty with a deduction of the authorized discount shall have been actually paid, such officer shall forfeit for every such offence the sum of one thousand rupees, besides being held responsible for the amount of duty unrealized.

*Second.* Any native officer or other person, causing or procuring any stamp to be fixed or impressed, or any certificate to be granted in the irregular manner aforesaid, or conniving with the officer so fixing or impressing any stamp, or so granting a certificate, shall forfeit for every such offence the sum of one thousand rupees, and shall, in addition, be held answerable for the amount of duty chargeable on the paper mentioned in the certificate.

**IX. First.** The following rules are enacted for the control and superintendence of the venders and distributors, authorized to be appointed by Section 6. of this regulation.

*Second.* Every person who may be appointed to be a vender or distributor of stamps on the part of Government, shall attend the Board in person, and execute a bond with one or more responsible sureties, for the faithful performance of the several duties, prescribed for such venders and distributors in this, or any future regulations, with such penalty, and after such form, as may be required by the said Board; and any failure in fulfilling the conditions of such bond, shall, besides the penalty thereby provided, subject the offender to immediate dismission from the said office of vender or distributor by the Board of Revenue.

*Third.* The following rules shall be observed by all venders and distributors of stamps, and the bonds executed by those persons on their appointment, shall distinctly bind them to a strict observance of those rules, subject in case of failure to the several penalties hereinafter specified. Provided however, that it shall also be competent to the Board of Revenue,

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nue, to require the venders and distributors of stamps to come under such further engagements, as may appear necessary, and as may be legally required from them.

Board may require further engagements.

*Fourth.* All persons licensed to vend or distribute stamps, shall, at all times, have their respective licenses, together with a copy of the schedule annexed to this regulation, duly authenticated by the official signature of the collector of stamps, stuck up in a conspicuous place within the shop or building in which they may sell the stamps, and shall further hang up on the outer door of such shop or other building, such notification of their being licensed as the Board of Revenue may direct. Any neglect or failure to observe the above rule, will subject the party offending to a fine of sicca rupees fifty.

Licenses and schedule of stamp duties to be stuck up, in venders' shops.

*Fifth.* All persons as aforesaid shall keep such accounts of the paper received and delivered by them as the Board of Revenue may direct, and shall furnish the collector with such copies or extracts of those accounts, and at such periods, as he may, from time to time, require. The said persons shall regularly pay to the collector all money or moneys received by them on the sale of stamps intrusted to them on the account of Government, at such periods as the said officer may appoint, and shall likewise at all times, when required, permit the collector or other person duly authorized by him, to inspect the accounts kept by them, and to examine the store of stamp paper or the like, which they may have in their possession.

Accounts to be kept by venders, and produced to collector when required.

Money received by venders to be regularly accounted for.

Accounts and stamps to be produced for inspection when required.

*Sixth.* Any vender or distributor failing to produce before the collector of the stamp duty, any of the accounts required by the Board of Revenue, to be kept by him, after requisition made in writing by that officer, and failing to account for such omission to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, shall forfeit the sum of fifty rupees, and shall further pay such daily fine for every day beyond the date fixed in such requisition for the production thereof, until the day when the accounts may be produced, as the Board of Revenue may direct. Any vender or distributor refusing to permit the collector of stamps, or other person duly authorized by a writing under the seal and signature of that officer, to inspect the said accounts, and examine the store of stamp paper, at the time in the custody of such vender or distributor, immediately upon demand, shall forfeit for every such refusal the sum of one hundred sicca rupees, and shall further be subject to such daily fine, until he complies with the collector's requisition, as the Board of Revenue may direct.

Penalty for breach of above rules.

*Seventh.* No vender or distributor of stamps shall deliver any stamp paper or the like, without having previously received the full amount of the duty denominated by the stamp thereunto affixed: save and except in cases, in which he may be otherwise specially permitted or directed by the collector or Board of Revenue.

Venders to realize duty before delivering stamp.

*Eighth.* Any vender or distributor who may, without authority, permission, or direction in writing from the collector or Board of Revenue, sell, give out, or deliver stamp paper, vellum, parchment, or the like, without having received the entire amount of duty denominated by the stamp affixed thereto, shall forfeit for each, and every piece of paper or other material aforesaid so given out or delivered by him, the sum of fifty rupees, besides being held responsible for the amount which should have been taken, in case of its not being afterwards recovered. Any person taking or receiving stamp paper from any such vender, without having paid the entire amount of duty as aforesaid, shall forfeit the like sum of fifty rupees for each, and every piece of paper, &c. received or taken by him.

Penalty for delivery of stamps without receipt of full duty.

Penalty for receiver in such case.

*Ninth.* All venders and distributors of stamps shall carefully write on the back of each sheet or piece of stamp paper, or the like, sold or delivered by them, the date of sale and delivery, and shall attest each endorsement with his signature written in the manner commonly used by him.

Venders to endorse the date of sale, and delivery of stamps sold by them.

*Tenth.* Any vender or distributor giving out, or delivering any stamp paper or the like, without writing at the back of each sheet or piece, his name and the date of sale and delivery as aforesaid, shall forfeit for each and every piece of paper so given out or delivered by him, the sum of fifty rupees, provided the value of the paper sold do not exceed the sum of sixteen rupees; but, if the value of the paper so sold without signature exceed the sum of sixteen rupees, then the vender shall for every offence so committed forfeit a sum equal to three times the value of the paper so illegally sold by him.

Penalty for neglect.



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Penalty for falsification of date.

*Eleventh.* Any vender or distributor writing a false date at the back of paper, vellum, or parchment given out by him, shall forfeit the sum of one hundred rupees for every such offence, or if the value of the stamp sold exceed sixteen rupees, then he shall forfeit six times the value of such stamp paper, besides being in both cases liable to the penalty of his bond in case of any breach of its stipulations.

Penalty for refusal or wilful delay to deliver stamps.

*Twelfth.* All venders and distributors of stamps shall comply with all applications made to them for the purchase of stamp paper or the like with as little delay as possible. Any vender or distributor being applied to for stamp paper or the like, and having in his possession the description of paper required, shall, in case of refusal or wilful delay to furnish the same to the person applying for it, and tendering the value in coin of the established currency, or in notes authorized by Government to be received in payment of the public revenue, forfeit for every such offence the sum of fifty rupees.

Penalty for exaction of price, or consideration, in excess of the duty.

*Thirteenth.* No vender or distributor of stamps shall, on any plea or pretext whatsoever, take or demand a higher price for the stamps delivered by him, than the sum denoted by the stamp or stamps impressed on the paper, parchment, or the like so delivered; or any fee, reward, or consideration for furnishing stamps to persons applying for them: and any vender or distributor who, upon furnishing stamp paper, parchment, vellum, or any other article bearing a stamp, to any individual for use, shall, as a consideration for furnishing the article, or on any other pretext, take or demand, as the equivalent of the article so furnished, a higher price than the amount that may be denoted by the impression of the stamp or stamps upon such paper, parchment, vellum, or the like, shall forfeit for every such offence the sum of sicca rupees one hundred.

Collectors may require collateral security from venders.

*Fourteenth.* It shall be competent to the collector of stamps, to demand for his personal satisfaction, such collateral security, in addition to the said bond, as he may deem necessary, to guard against loss from the misappropriation of the stamps delivered to the venders or distributors, or the embezzlement of the money realized by them, and to require the same to be renewed, or other security to be furnished at any time that he may deem the same expedient; and any one unable or refusing to give such security when required, shall not be appointed, or if already appointed, shall be liable to have his license immediately withdrawn.

On removal or resignation of vender, money, paper, and writings, to be delivered to collector.

*Fifteenth.* When the license of any vender or distributor may be withdrawn, or when such vender or distributor shall resign the office, all stamp paper, or other article remaining in store at the time of such removal or resignation, and all accounts regarding and distribution of stamp paper, or the like, at any time delivered to him, together with the balance of all money or moneys, which may have been realized by the sale and distribution thereof up to the date of the said removal or resignation, and which may not have been already paid or accounted for to the collector of stamp duty, and likewise all licenses, orders, or other documents or writings, which the said vender or distributor may have received from that officer, shall be forthwith delivered over to the said collector, or to such person or persons as he may appoint by a writing, under his hand and seal, to take charge thereof, receiving for such part of the stamp paper or the like as may have been furnished to him, under the provisions of Section 7. of this regulation, the amount actually paid by him for the same as therein directed. In case any vender or distributor so removed or resigning shall refuse or fail to make over the said accounts and stores, and the balance of the accounts in cash, or any part thereof, he shall forfeit for such failure or refusal, a sum equal to triple the amount and value of the stamps and money which may appear, from the accounts kept at the collector's office, to be in the possession of such vender or distributor, together with such daily fine, until the papers, accounts, and documents required are furnished, as the Board or other authority aforesaid may direct.

Course to be followed on death of vender.

*Sixteenth.* In case of the death of any vender or distributor, the collector of the stamp duty shall, in like manner, be empowered to demand from the heir or person administering to the estate of the deceased, or other person in charge of his effects, the remainder of any store of stamp paper, vellum, parchment, or the like, in the possession of such vender or distributor, at the time of his decease, together with all accounts of the sale or distribution thereof, as well as all licenses, orders, or other documents or writings as aforesaid, that may

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be forthcoming amongst the effects of the deceased ; and in the event of any refusal on the part of the heir, administrator, or other person in charge of the effects of the deceased, to deliver the same, or of refusal to allow search to be made whenever the collector of the stamp duty may demand to make search for the said stores or accounts, such heir or administrator, or other person in charge of the estate, shall forfeit for every such offence the sum of fifty rupees, and shall further be subject to such daily fine, until the papers, accounts, documents, and writings required are furnished, as the Board of Revenue may direct.

*Seventeenth.* Provided also, that it shall be competent to the collector, in the cases specified in the two preceding clauses, as well as in all cases in which a vender or distributor may fail or delay to account for, and make good the value of any stamp paper or the like, with which he may have been furnished for sale on account of Government, immediately to call upon the surety or sureties of the said vender or distributor, to make good the deficiency of money or paper, and on their failure to do so, to proceed against all, or any of them, for the recovery of the amount.

Cases in which sureties may be called on.

*Eighteenth.* All persons appointed by the Board of Revenue to be venders or distributors of stamps, shall verify by affidavit, or affirmation, their respective accounts, whenever they may be required by the Board to do so ; and if any vender or distributor shall refuse, or neglect to verify his accounts within such reasonable time, as he shall be called upon so to do, by the said Board or any member thereof, he shall for every such offence forfeit the sum of five hundred rupees.

Venders to verify their accounts by oath, or affirmation.

*X. First.* Should it so happen that any parcel of papers, parchments, vellums, or the like, or any single sheet, or piece thereof that may have been duly stampd, and obtained from a licensed vender of the stamps direct, or from the stamp office, under the rule contained in Section 7. of this regulation, shall have been destroyed by fire or other accident, it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, upon its being proved, to the satisfaction of that authority, that the said stamps were duly received, and subsequently were destroyed by accident after the manner asserted, to cause their secretary to grant to the owner of the paper, or other material destroyed, a certificate under his signature, and the seal of the Board, specifying the number and value of the stamps so destroyed ; and the said owner shall, upon carrying the said certificate to the stamp office, together with such quantity of paper, vellum, or the like, as may be sufficient for the purpose, be entitled, without any fee, charge, or duty whatsoever, to have the paper, vellum, parchment, or the like, so carried to the stamp office, stampd or marked for such duties, as may be specified in the said certificate, and the superintendent of stamps is hereby enjoined to cause the same to be stampd and delivered in the same manner, as if the paper, or other material were accompanied with a certificate of the duty having been paid under the hand and seal of the collector of the stamp duty ; provided however, that a separate account shall be kept of all stamps impressed, or affixed by warrant of such certificate.

Stamps accidentally destroyed, how to be replaced.

*Second.* In like manner, in case any stampd paper, parchment, vellum, or the like, after having been obtained in the regular manner, shall have become soiled, spoiled, or unfit for use, either by consequence of any accident happening to the same, or because of error in the drawing up, or copying of any instrument thereupon, which being discovered before such instrument may be finally signed and executed, shall render the writing of no avail ; or in which, by reason of the death or refusal of the party or parties, whose signature may be necessary to effect the transaction intended by such writing, it should be incomplete and of no avail, or in which, by the refusal of any office or trust that may be granted by such instrument, it shall fail of the purpose intended ; or in the case of promissory notes, bills of exchange, or the like, if by non-delivery to the payee, or person acting on his behalf, or other cause, they shall never be brought to use : in all such cases, it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, upon delivery being made of the stampd paper, parchment, vellum, or the like, so soiled or spoiled, to cause certificate to be granted after the manner provided, in order that the owner of the article or articles so soiled or spoiled, may have the like or equivalent

Also soiled or spoiled stamps.

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valent stamps, impressed upon other materials to be furnished by him for that purpose. But this rule shall not extend to bills of exchange drawn in sets, of which any one of the set may have been delivered to the payee.

**Restriction of above provision to cases in which the stamps destroyed or spoiled, shall amount to or exceed ten rupees.**

**Limitation as to the time, within which application is to be made.**

**Penalty for employing paper, &c. not bearing prescribed stamp.**

**Holders of instruments written on unstamped paper, on what condition to get them stamped.**

**If within thirty days.**

**If after thirty days.**

**Penalty in case of the employment of paper, &c. stamped with too low a stamp.**

**Provision for case of accident or inadvertence.**

*Third.* Provided however, that no such certificate shall be granted by authority of the Board of Revenue, except the total value of stamps proved to have been destroyed or soiled by accident, or the total value of every single stamp in the case of the material having been spoiled by being written upon, shall amount to or exceed the sum of ten sicca rupees. Provided, likewise, that no such certificate shall be granted, except after proof exhibited that the accident or act, by reason of which the material may have become soiled, or spoiled, or destroyed, or useless, occurred within the period of three calendar months of the date on which application may be made for the certificate. No exception shall be taken to any deed or instrument, on the ground that the stamp which may have been used is not of a proper denomination or rate of duty, provided the same bear an equal or greater value in the whole than the stamp which ought regularly to have been used.

**XI. First.** If any person or persons shall, after the date specified in the preamble of this regulation, write or engross, or cause to be written or engrossed on any vellum, parchment, paper, or other material, any of the matters or things on account of which such material would be chargeable with stamp duty, under the rules of this or any other regulation in force, before the said material shall have been duly stamped; or if any person shall, after the said date, in any manner make, sign, or execute, or accept, or negotiate, any deed or instrument chargeable with a stamp duty, that may not have been executed on paper or other material duly stamped, such person or persons shall forfeit for every such offence, a sum equivalent to twenty times the value of the stamped paper which ought to have been used.

*Second.* Provided however, that if any person or persons writing or engrossing, or causing to be written or engrossed, any matter or thing chargeable with a stamp duty, upon unstamped paper, vellum, parchment, or the like, or any person or persons accepting or becoming possessed of any deed, instrument, or writing, so written on unstamped paper, or desirous of negotiating or benefiting thereby, shall voluntarily carry the same to the collector of stamps, and shall pay to that officer the entire amount of duty chargeable thereupon, together with the amount hereinafter provided, the collector shall transmit the deed, instrument, or writing to the superintendent of the stamp office, for the purpose of being duly stamped, and the person aforesaid shall not be liable to the penalty declared in the preceding clause; that is to say, if the deed or instrument originally executed on unstamped paper, shall be brought to be stamped in the manner abovementioned, at any time before the money conditioned, or directed to be paid, or the act conditioned to be done shall be due, but not later than thirty days from the date of the execution of the deed, instrument, or writing, or (in the case of deeds, instruments, or writings, not conditioning the payment of money, or the performance of any contract within a specific period) at any time within thirty days of the execution of the deed, instrument, or writing, the party shall pay a sum equal to five times the value of the stamped paper which ought to have been used: if the deed or instrument aforesaid shall not be brought in the manner abovementioned, within the period above specified, the party bringing it shall pay a sum equal to ten times the value of the stamped paper which ought to have been used.

*Third.* In case any deed or instrument shall have been executed on paper, parchment, vellum, or other material stamped for a rate or amount of duty less than what may be the rate or amount chargeable on account of the matter or thing that may have been engrossed or written thereupon, the like penalties shall attach as have been provided by the preceding rules of this section; that is to say, a sum equal to twenty times the excess of the proper stamp above the value of that which may have been used, shall be forfeited, if the error of the stamp be discovered, otherwise than by the voluntary production of the party or parties concerned; and a sum equal to five or ten times the said excess, if the party shall voluntarily bring such deed to have the proper stamp affixed within the periods above stated, respectively.

*Fourth.* Provided however, and it is hereby enacted, that in case any deed or instrument chargeable with a stamp duty, shall have been executed on unstamped paper, or

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other unstamped material, or on any material bearing a stamp of an amount, not equal to the duty chargeable upon such deed or instrument, then if the person executing such deed, or any other party interested, shall establish to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, that the irregular execution of the deed or instrument was owing to accident, or inadvertence, or to other unavoidable cause, it shall be competent to the above-mentioned authority, in case they should think proper to do so, to remit part, or the whole of the penalties above enacted, and to cause a proper stamp to be affixed to such unstamped or improperly stamped instrument, on the payment of the actual amount of duty chargeable thereupon.

*Fifth.* Provided further, that if the stamp or stamps affixed to any instrument, deed, or the like, be detected to be forged or counterfeit, the full penalty of twenty times the value of the stamp on which the same should have been written, shall in all cases be exacted, in addition to the entire amount of duty chargeable for such deed, before the same shall be impressed with the genuine stamps of Government, unless the material on which the same may be executed, shall bear the endorsement required by Section 7, or Section 9. of this regulation, as the case may be, and unless the party having executed, or being at the time in possession of such deed, shall be able to prove to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, that the material stamp with a forged stamp, was purchased or obtained on the date specified on the back of it, and from the individual whose name may be there signed. If the required matter shall be duly endorsed on the back of any material stamp with a forged impression, and the proof adduced to the fact and date of purchase, be deemed by the Board of Revenue to be sufficient, the regular and genuine stamps shall be caused to be affixed on payment of one half the established duty chargeable on account of the matter of the instrument or deed in question, and certificate to that effect shall be given by the Board of Revenue.

Provision for the case of instruments being written on paper, &c. with a forged stamp.

XII. *First.* Any person or persons filing, exhibiting, recording, or causing, or procuring to be filed, exhibited, or recorded, for the purposes of proof, information, registry, or for any purpose or manner whatsoever, in any court of justice or other public office, any deed, instrument, or other writing required to be written on stamp paper, which may not be written on the prescribed stamp paper, whether the said person or persons be himself the party interested in the case or matter, on account of which such deed, instrument, or writing may be filed, exhibited, or recorded, or be the attorney or agent of such party, shall forfeit to Government a sum equal to twenty times the value of the stamp paper on which such deed, instrument, petition, pleading, or document ought to have been written.

Penalty for filing or recording instruments not bearing the prescribed stamps.

*Second.* If any deed, instrument, or other writing, required to be written on stamp paper, and written on the prescribed stamp paper, shall be filed, exhibited, or recorded in any court of judicature, or in any public office, not having the signature of a licensed stamp vender, or other person duly authorized to sell or distribute stamps, endorsed upon it, the person or persons, filing, exhibiting, or recording the said deed, instrument, or writing, or causing or procuring it to be filed, exhibited, or recorded, shall forfeit a sum equal to five times the value of the said stamp paper.

Penalty for filing papers, &c. not duly endorsed by a vender or distributor of stamps.

*Third.* If any deed, instrument, petition, or document, shall be filed, exhibited, or recorded as aforesaid, having a forged or counterfeit stamp or signature, the person filing, exhibiting, or recording such deed, instrument, or document, or causing or procuring it to be filed, exhibited, or recorded, shall forfeit to Government a sum equal to twenty times the value of the stamp, which ought to have been used, unless the material, on which the same may be executed, shall bear the endorsement required by Section 7, or Section 9. of this regulation, as the case may be, and the party shall be able to show that the material stamp with a forged stamp was purchased, or obtained on the date specified on the back, and from the individual, whose name may be there signed. If the required signature and date shall be duly endorsed on the back of the material stamp as aforesaid, with a forged impression, and the proof adduced to the fact and date of purchase be deemed by the officer before, or in whose office the writing may be filed, exhibited, or recorded to be sufficient, the said officer shall transmit the document to the collector of stamps, with a communication of his judgment in the case, and the collector shall, on payment by the party of one-half the established duty chargeable on account of the matter of the instrument or deed in question, forward it to the superintendent of stamps, in order that it may be duly stamped.

Penalty for filing an instrument or the like bearing a forged stamp.

If without due endorsement.

Course to be followed, if paper bearing a forged stamp be duly endorsed.

# A. D. 1826. REGULATION XII.

Persons discovering forged stamps in their possession, how to proceed.

XIII. If any person shall discover that any deed, instrument, or document in his possession is written on paper, or other material bearing a forged or counterfeit signature or stamp, such paper, or other material bearing the signature and date required by Section 7, or 9. of this regulation, as the case may be, and shall state the circumstance to the Board of Revenue, or other authority exercising the powers of that Board; the said person shall, on proving to the satisfaction of that Board, or other authority aforesaid, that the paper or other material in question was purchased, or obtained on the date specified on the back, and from the individual whose name may be there signed, be entitled to have the said paper or material duly stampd without any fee or charge.

No exception on account of overvalue.

XIV. No exception shall be taken to any deed, instrument, or other writing, on the ground that the stamp which may have been used, is not of a proper denomination, or rate of duty, provided the stamp or stamps used, equal or exceed in value, the stamp or stamps which, under the provisions of this regulation, ought to have been used.

Board of Revenue, superintendent of stamps, and collector authorized to administer oaths.

XV. It shall and may be lawful for the Board of Revenue, the superintendent of stamps, and the collector, or other officers vested with the charge of offices established for the sale and distribution of stamps, to summon witnesses, to administer oaths and affirmations, and to take affidavits and affirmations, in all cases where he or they shall respectively think it necessary to administer or take an oath or oaths, affirmation or affirmations, in any investigation or inquiry into any case relating to the stamp revenue, or in any matter or thing connected therewith.

SCHEDULE referred to in the body of the regulation, containing the duties chargeable on instruments of conveyance, contract, obligation, and security for money, and on deeds in general.

			Sa. Rs. A.	
AGREEMENT, or any minute or memorandum of an agreement, concerning any matter or thing of the value of five hundred rupees or upwards, not otherwise charged in this schedule, nor expressly exempted from all stamp duty, whether the same be only evidence of a contract, or obligatory upon the party, ...			8	0
EXEMPTIONS.				
Memorandum of agreement for the hire of labour.				
Ditto for the sale of goods, under the value of five hundred rupees, and all agreements carried on by letter and the like, between merchants and other persons residing forty miles from each other.				
ASSIGNMENTS, if not of the nature specified under the heads of conveyances and settlement, nor specially exempted, ...			8	0
BILLS OF EXCHANGE, drafts, promissory notes, <i>hoondies</i> , <i>teepe</i> , <i>burats</i> , or other order or obligation, for the payment of money payable (if payable within the provinces subordinate to this presidency) at sight, or at any stated period, not exceeding three months after date, or ninety days after sight, (not being a deed, instrument, or writing, bearing the attestation of one or more witnesses,) together with all bills of exchange, payable out of the said provinces at whatever date.				
If for a sum of money not exceeding			25 Rupees,	...
Above	25 Rs. and not ex		50 ditto,	...
Ditto	50 do.	ditto	100 ditto,	...
Ditto	100 do.	ditto	200 ditto,	...
Ditto	200 do.	ditto	400 ditto,	...
Ditto	400 do.	ditto	800 ditto,	...
Ditto	800 do.	ditto	1,600 ditto,	...
Ditto	1,600 do.	ditto	3,000 ditto,	...
Ditto	3,000 do.	ditto	5,000 ditto,	...
Ditto	5,000 do.	ditto	10,000 ditto,	...
Ditto	10,000 do.	ditto	20,000 ditto,	...
Ditto	20,000 do.	ditto	30,000 ditto,	...
Ditto	30,000 do.	ditto	50,000 ditto,	...
Ditto	50,000 do.	ditto	100,000 ditto,	...
Ditto	100,000 do.	...	...	...

Promissory Notes written on paper of the above value, shall not be re-issued after payment.

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Promissory Notes intended to be re-issued, shall be charged as follows.

If for a sum of money not exceeding						25 Rupees,	Sa. Rs. As.
Above	25	Rs. and not exceeding	...	...	...	50 ditto,	0 2
Ditto	50	do. ditto	...	...	...	100 ditto,	0 4
Ditto	100	do. ditto	...	...	...	200 ditto,	0 8
Ditto	200	do. ditto	...	...	...	400 ditto,	0 12
Ditto	400	do. ditto	...	...	...	800 ditto,	1 0
Ditto	800	do. ditto	...	...	...	1,600 ditto,	1 8
Ditto	1,600	do. ditto	...	...	...	3,000 ditto,	2 0
Ditto	3,000	do. ditto	...	...	...	5,000 ditto,	2 8
Ditto	5,000	do. ditto	...	...	...	10,000 ditto,	4 0
Ditto	10,000	do. ditto	...	...	...	20,000 ditto,	6 0
Ditto	20,000	do. ditto	...	...	...	30,000 ditto,	8 0
Ditto	30,000	do. ditto	...	...	...	50,000 ditto,	12 0
Ditto	50,000	do. ditto	...	...	...	100,000 ditto,	16 0
Ditto	100,000	do. ...	...	...	...	...	20 0
							32 0

*Note.* The Governor General in Council reserves to himself the power of admitting any bank or company to compound for the stamp duty chargeable on the notes issued by it. Notice of such arrangements to be given in the Government Gazette.

Foreign bills of exchange, drawn in sets, for every bill of each set, where the sum made payable thereby may not exceed

More than						400 Rupees, but not exceeding	400 Rupees,	
Ditto	...	800	do.	ditto	...	800 ditto,	...	0 8
Ditto	...	1,600	do.	ditto	...	1,600 ditto,	...	0 12
Ditto	...	3,000	do.	ditto	...	3,000 ditto,	...	1 0
Ditto	...	5,000	do.	ditto	...	5,000 ditto,	...	1 8
Ditto	...	10,000	do.	ditto	...	10,000 ditto,	...	2 0
Ditto	...	20,000	do.	ditto	...	20,000 ditto,	...	2 8
Ditto	...	30,000	do.	ditto	...	30,000 ditto,	...	4 0
Ditto	...	50,000	do.	ditto	...	50,000 ditto,	...	6 0
Exceeding	50,000	do.	...	...	...	...	...	8 0
								12 0

## EXEMPTIONS.

Bills of Exchange drawn, and promissory notes issued, by Government officers, having authority to draw bills upon the Government treasuries, or to issue promissory notes or other acknowledgments, on account of Government.

All drafts or orders, for the payment of any sum of money, on demand, drawn upon any bank, banker, or agent, residing within 20 miles of the place, where such draft or order shall be issued; such place being specified on the face of the draft.

BILLS OF LADING of, or for any goods to be exported, ... 1 0

## BILLS OF SALE.

An absolute bill of sale, ... See Conveyances.

Bill of sale as a security, being the principal, or only deed whereby the property is conveyed, ... See Mortgage.

Bill of sale as a security, being merely a collateral one, with some deed or instrument that has paid the *ad valorem* duty prescribed for conveyances, ... 8 0

BONDS, *tumassooks*, promissory notes, or other obligation for the payment of money, payable at a period exceeding three months after date, or ninety days after sight.

If for any sum not exceeding						25 Rupees,	
Above	25	Rupees, and not exceeding	...	...	...	50 ditto,	0 2
Ditto	50	do. ditto	...	...	...	100 ditto,	0 4
Ditto	100	do. ditto	...	...	...	200 ditto,	0 8
Ditto	200	do. ditto	...	...	...	300 ditto,	1 0
Ditto	300	do. ditto	...	...	...	500 ditto,	2 0
Ditto	500	do. ditto	...	...	...	1,000 ditto,	4 0
Ditto	1,000	do. ditto	...	...	...	2,000 ditto,	6 0
Ditto	2,000	do. ditto	...	...	...	3,000 ditto,	10 0
Ditto	3,000	do. ditto	...	...	...	5,000 ditto,	16 0
Ditto	5,000	do. ditto	...	...	...	10,000 ditto,	20 0
Ditto	10,000	do. ditto	...	...	...	20,000 ditto,	32 0
Ditto	20,000	do. ditto	...	...	...	30,000 ditto,	40 0
Ditto	30,000	do. ditto	...	...	...	50,000 ditto,	50 0
Ditto	50,000	do. ditto	...	...	...	75,000 ditto,	64 0
Ditto	75,000	do. ditto	...	...	...	100,000 ditto,	70 0
Ditto	100,000	do. ditto	...	...	...	150,000 ditto,	80 0
Ditto	150,000	do. ditto	...	...	...	200,000 ditto,	100 0
Ditto	200,000	do. ...	...	...	...	...	120 0
							150 0

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	Sa.	Rs.	As.
Bonds concerning respondentia and bottomry,	...	Ad valorem as above.	
Bonds given as security for the transfer of Government securities, or for the payment of an annuity for a fixed period, or for the delivery or accounting for any matter or thing capable of being valued,		{ Shall be charged at the rate of the amount engaged to be paid or accounted for, or at the value of the thing to be delivered, or transferred.	
Bonds for annuities for an indefinite period, such as life annuities and the like,		{ Shall be charged at the rate of 10 times the yearly payment.	
Bonds where the amount of the money to be secured or ultimately recovered, shall be uncertain and unlimited,	...		150 0
Where the amount is limited to a certain sum,		{ The same as on a bond for such limited sum.	
Bonds taken as collateral security, with some deed or instrument that has paid the <i>ad valorem</i> duty prescribed for conveyances or money bonds, or as security for the performance of any other contract, covenant, or agreement, not being for the payment of money, the transfer of property, or the satisfaction of any pecuniary demand,	...		R 0
Bonds of indemnity,	...		
Bonds for the due execution of an office or work, and all other bonds not otherwise charged or exempted from duty,	...		

## EXEMPTIONS.

Arbitration bonds.  
 Bonds given to or by the officers of Government, on account of any matter, or thing of, or belonging to the Government in its political or territorial capacity.  
 Security bonds, which may be taken by, or by order of any court, collector, or other judicial or revenue authority, *razzenamahs*, *sooluhnamahs*, and *ruffanamahs*, filed in any suit pending in a court of justice, shall be charged, as prescribed in the regulations already in force or hereafter to be enacted.

CHARTER PARTIES, or any agreement or contract for the charter of any ship or vessel, or any memorandum, letter, or other writing between the captain, master, or owner of any ship or vessel, and any other person for, or relating to, the freight or conveyance of any money, goods, or effects, on board of such ship or vessel,

## EXEMPTIONS.

Charter parties of ships or vessels taken up by Government, for the conveyance of troops or military stores, or for other political purposes.

CONTRACTS, or deeds, if not otherwise charged nor exempted from duty,  
 COPARTNERSHIP, deeds of,  
 COMPOSITION deeds, or other instruments of composition between a debtor or debtors, and his, her, or their creditors,

CONVEYANCES, whether grant, disposition, assignment, transfer, renunciation, or of any other kind or description whatsoever upon the sale of any lands, tenements, rents, annuities, or other property, real or personal, heritable or moveable, or of any right, title, interest, or claims in, to, out of, or upon any lands, houses, rents, annuities, or other property, that is to say, for or in respect of the principal or only deed, instrument, or writing whereby the property sold shall be conveyed to, or otherwise vested in, the purchaser or purchasers, or to some other person, by his or their direction.

Where the purchase or consideration money therein expressed or denoted shall not exceed

	50 Rupees,	0 8
Above	100 ditto,	1 0
Ditto	200 ditto,	2 0
Ditto	300 ditto,	4 0
Ditto	1,000 ditto,	8 0
Ditto	2,000 ditto,	12 0
Ditto	3,000 ditto,	16 0
Ditto	5,000 ditto,	20 0
Ditto	8,000 ditto,	32 0
Ditto	12,000 ditto,	40 0
Ditto	20,000 ditto,	50 0
Ditto	30,000 ditto,	64 0
Ditto	50,000 ditto,	80 0
Ditto	100,000 ditto,	100 0
Ditto	200,000 ditto,	150 0

And for every further lack of rupees beyond 2 lacks,

Note.

## A. D. 1826. REGULATION XII.

**Note.** Where, of several deeds, instruments, or writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed, and to engross the same on paper, parchment, vellum, or the like, stamp for the prescribed *ad valorem* duty; provided however, that in all cases where there are more deeds than one, all other deeds than the principal shall be charged with a stamp duty of 8 rupees, and a such deeds shall specify by their contents which other is the principal deed by which the conveyance has been effected, certifying that it is executed in the manner and on the material stamp as required.

### EXEMPTIONS.

All grants, leases, sales, or the like, wherein Government, in its political or territorial capacity, is a party.

**Note.** This exemption shall not extend to sales made for the recovery of arrears of revenue or rent, or in satisfaction of decrees of court, in which cases the purchaser shall be required to pay the prescribed duty along with the purchase money, and shall receive, from the officer conducting the sale, a deed of sale executed on paper impressed with a corresponding stamp.

All transfers of subscriptions to any of the Government loans or other Government securities; also of bank shares.

**COPIES.** Copy in any manner authenticated or declared to be a true copy, or made for the purpose of being given in evidence as a true copy of any bond, deed, or instrument of agreement, contract, conveyance, or of any deed or instrument whatsoever chargeable with a stamp duty.

Where such copy shall be made for the security or use of any person being a party to, or taking any benefit, or interest immediately under such agreement, contract, bond, deed, or other instrument, { The same duty as for the original instrument.

Where such copy shall be made for the security or use of any person not being a party to, or taking any benefit or interest immediately under such agreement, contract, bond, deed, or other instrument, ...

Likewise any copy authenticated, or made as aforesaid, of any schedule, receipt, or other matter put or endorsed on, or annexed to any such agreement, contract, bond, deed, or other instrument aforesaid. ...

**Note.** Authenticated copies of any records, letters, accounts, statements, reports, or other writings furnished to individuals, from any of the public offices of Government in Calcutta, shall be written on paper of the value, for each and every sheet, of ...

### EXEMPTIONS.

Copies made for the private use only of any person having the custody of the original instruments, or of his, or her attorney or solicitor.

Copies of papers, which public officers are directed by any general regulation to make, require, or furnish, not specially declared chargeable with stamp duty.

Copies of proceedings and decrees of the Sudder Dewanny Adawlut, which shall be charged in the manner, and subject to the conditions, prescribed in Regulation I. 1814, and other subsequent regulations.

DEEDS of any kind, not otherwise particularized in this schedule, ... 8

**EXCHANGES.** Any deed whereby any real property shall be conveyed or surrendered in exchange for other property.

If no sum of money shall be paid, or agreed to be paid for equality of exchange, ... 8 0

And if any sum of money be paid, or agreed to be paid for equality of exchange, { The same *ad valorem* duty as for a conveyance for such sum.

**ENGAGEMENTS** to cultivate, provide, or deliver indigo plant, or to produce, manufacture, provide, or deliver any other article of commerce, in consideration of advances made, { Shall be charged on the amount advanced, at the rate of bonds, or other obligations for the payment of money payable at a period exceeding three months after date.

**LEASES.** Any lease made in perpetuity, or for a term of years or period, determinable with one or more lives, or otherwise contingent, in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent, { The same duty as for a conveyance, or sale for a sum of the amount of such consideration.

Any lease of lands, houses, or other real property, at a yearly rent, without any payment of any sum of money, by way of fine or premium.



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Where the yearly rent shall exceed twelve rupees, but shall not exceed 24 Rupees,						0	8
Exceeding 24 Rupees, but not exceeding	50	ditto,	...	...	...	0	12
Ditto 50 do. ditto	100	ditto,	...	...	...	1	0
Ditto 100 do. ditto	250	ditto,	...	...	...	2	0
Ditto 250 do. ditto	500	ditto,	...	...	...	4	0
Ditto 500 do. ditto	1,000	ditto,	...	...	...	8	0
Ditto 1,000 do. ditto	2,000	ditto,	...	...	...	12	0
Ditto 2,000 do. ditto	4,000	ditto,	...	...	...	16	0
Ditto 4,000 do. ditto	6,000	ditto,	...	...	...	20	0
Ditto 6,000 do. ditto	10,000	ditto,	...	...	...	32	0
Ditto 10,000 do. ditto	50,000	ditto,	...	...	...	64	0
Above 50,000 do.	...	...	...	...	...	80	0

Any lease of lands, houses, or other real property, stipulating for a yearly rent, and granted in consideration of a fine or premium, ... } Shall be charged with both ad valorem duties above provided.

The counterpart of any lease charged with a duty exceeding eight rupees, shall likewise be executed on paper, vellum, or parchment bearing a stamp of, ...

## EXEMPTIONS.

All leases where the annual rent shall not exceed twelve rupees.

All leases or *pottahs* given by authority of Government, or of the Board of Revenue.

LETTERS or powers of attorney, or commission, or factory, in the nature thereof.

Powers to perform any one special, that is to say, particular act, or the acts connected with one particular suit, case, or transaction, or sundry acts to be done, after a manner specified in the instrument, ...

General, ...

## EXEMPTIONS.

*Vakultnamahs* executed to regular pleaders of the Sudder Dewanny Adawlut, or any of the subordinate courts of judicature, authorizing them to prosecute or defend suits therein pending, or to present or make any miscellaneous petition, application, or motion to the court, which shall be charged as prescribed in Regulation 1. 1814. ●

LETTERS OF LICENSE from creditors to debtors, ...

8 0

MORTGAGES. Any deed of mortgage or conditional sale, with or without possession given of any lands, estate, or property real or personal, intended as a security for money due or to be lent thereupon; also any deed, or contract, accompanied with a deposit of title deeds to any property, where the same may be made as a security for payment of money due or lent at the time, ...

{ Shall be charged after the same manner and at the same rates as if, in lieu of such deed of mortgage or the like, a bond had been taken for the sum due or lent at the time.

Deeds of mortgage or the like, given as security for the transfer of Government securities, or for the payment of an annuity for a fixed period, or for the delivery at a future date of any matter or thing capable of being valued, ...

Shall be charged at the rate of the total amount assured, or of the bona fide value.

Deeds of mortgage given for the security of annuities for an indefinite period, such as life annuities and the like, ...

{ Shall be charged at the rate of 10 times the annual payment.

Where the total amount secured by such mortgage is unlimited, ...

150 0

Where it may be stipulated, that the amount secured by such mortgage shall not exceed a certain sum, ...

{ At the rate of such limitation.

Note. Where a bond may have been already taken for the amount secured, or where from any other cause the mortgage shall act merely as collateral security to some other transaction, already charged with the *ad valorem* duty thereupon, the same being specified in the body of the deed of mortgage, ...

Likewise in case of there being more deeds than one required, to execute the mortgage in the manner desired by the parties, the principal deed only shall be charged with the *ad valorem* duty, and all other deeds connected with the same transaction, ...

Acknowledgments or promissory notes granted to the treasurer or other officer of the Bank of Bengal, on account of the bank, or to any private banker or agent for loans or advances made on the deposit of Government securities, bullion, plates, jewels, or other goods, and payable within three months after date, shall be charged as promissory notes. If payable at a date exceeding three months, shall be charged as deeds of mortgage.

# A. D. 1826. REGULATION XII.

<b>PARTITION..</b> Any deed of partition of real or personal property adjusted by mutual agreement amongst coheirs, coparceners, or the like, .. ..										8	0				
And if any sum or sums of money shall be paid or agreed to be paid for equality of partition, ... ..										<div>The principal deed stipulating for such payment shall be charged with the ad valorem duty prescribed for a conveyance or sale for an equal sum.</div>					
<b>POLICY OF ASSURANCE</b> or insurance, or other instrument, by whatever name the same shall be called, whereby an insurance shall be made upon any life or lives, or upon an event depending upon any life or lives.															
Where the sum insured shall not exceed										...	...	Sa. Rs. 5,000	4	0	
Exceeding 5,000 not exceeding										...	..	...	10,000	8	0
Ditto 10,000										ditto,	...	...	20,000	12	0
Ditto 20,000										ditto,	...	...	30,000	16	0
Above 50,000										...	...	...	...	20	0
<b>POLICY OF INSURANCE</b> of any ship, vessel, sloop, lighter, boat, or the like, any goods or property on board, or upon the freight of any ship, vessel, sloop, lighter, boat, or the like, or upon any other interest relating thereto, or upon any voyage where the premium shall not exceed 2 per cent. on the sum insured, if the whole sum insured shall not exceed 1,000 rupees, ...												0	8		
If the sum insured exceed 1,000 rupees, then for every 1,000 rupees, and also for any fractional part of 1,000 rupees, whereof the same shall consist, ...												0	8		
Where the premium shall exceed 2 per cent. on the sum insured, if the whole sum shall not exceed 1,000 rupees, ...												1	0		
If the sum insured exceeds 1,000 rupees, then for every 1,000 rupees, and also for any fractional part of 1,000 rupees, whereof the same shall consist, ...												1	0		
<b>PROMISSORY NOTES.</b> Payable to the bearer on demand, at sight, or at any stated period, not exceeding three months after date, or 90 days after sight, ...												<div>See Bills of exchange.</div> <div>See Bonds.</div>			
<b>Promissory notes.</b> Payable at a period exceeding three months after date, or 90 days after sight, ...															
<b>Promissory notes.</b> For the payment of any sum by instalments, or for the payment of several sums at different dates, so that the whole of the money to be paid shall be definite and certain, ...												<div>The same duty as would be chargeable on a bond for the whole amount.</div>			
All receipts for money deposited in any bank, or in the hands of any banker or agent, if the same shall stipulate for the payment of interest upon the money so deposited, or in hand, shall be deemed and taken to be promissory notes. ...															
<b>RECEIPTS OR DISCHARGES</b> given for, or upon the payment of any sum of money not exceeding												0	1		
Exceeding 32 Rupees, not exceeding 100 ditto,												0	2		
Ditto 100 do. ditto 200 ditto,												0	4		
Ditto 200 do. ditto 500 ditto,												0	8		
Ditto 500 do. ditto 1,000 ditto,												0	12		
Ditto 1,000 do. ditto 2,000 ditto,												1	0		
Ditto 2,000 do. ditto 3,000 ditto,												1	8		
Ditto 3,000 do. ditto 5,000 ditto,												2	0		
Ditto 5,000 do. ditto 8,000 ditto,												2	8		
Above 8,000 ...												4	0		
Also for a receipt in full of all demands, ...												4	0		
<b>And any instrument, note, memorandum, or writing,</b> given upon the payment of money, whereby any money, debt, or demand, or the part thereof therein specified, shall be expressed or acknowledged to have been paid, settled, or otherwise satisfied, shall be deemed to be a receipt for the amount so declared to be paid or satisfied.															
<b>And if any such instrument or other writing shall contain a general acknowledgment</b> of the settlement of debts, accounts, or other demands, without specifying the amount thereof, such instrument or writing shall be deemed and taken to be a receipt in full of all demands, and charged accordingly.															
<b>And if payment be made by delivery of a bill or bills of exchange, draft or drafts, promissory notes, or the like securities of money, the receipt or acknowledgment given thereupon shall be deemed to be a receipt within the meaning of this schedule.</b>															

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### EXEMPTIONS.

Receipts for money paid or received by any officer of Government, on account of Government.

Receipts or discharges given for the purchase money of any Government securities or shares of the Bank of Bengal.

Receipts and discharges given for money deposited in any bank, or with any agent, to be accounted for on demand, provided no interest be stipulated as payable thereon.

If interest be stipulated, such receipt shall be chargeable as a promissory note.

Receipts or discharges written upon promissory notes, bills of exchange, drafts, or orders for the payment of money duly stampd.

Letters by the post acknowledging the arrival of any promissory notes, bills of exchange, or other securities for money.

Receipts or discharges written upon or contained in any bond, mortgage, or other security, or any conveyance, deed, or other instrument duly stampd, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured.

**SETTLEMENTS.** Any deed or instrument whereby any sum or sums of money, or any Government securities, or other property, real or personal, shall be settled or agreed to be settled upon, or for the benefit of any person or persons in any manner whatsoever,

Shall be charged with the ad valorem duty chargeable for a bond for the amount or value settled, or agreed to be settled; or, in cases in which the value shall be indeterminate, at the rate of 100 rupees.

Deeds of gift and dower, whether to take effect on the instant or at a future period, determinate or indeterminate, shall be charged as deeds of settlement.

### EXEMPTIONS.

Wills, testaments, and the like, together with deeds merely declaratory of trust pursuant to any previous settlement, deed, or will.

### GENERAL EXEMPTIONS.

Deeds, instruments, and writings of any kind, in which Government or any Board, commission, court, or public officer, may, in a public capacity, be a party; save and except deeds, instruments, and writings, relating to matters of or belonging to the commercial department, shall not be chargeable with any stamp duty.

## A. D. 1827. REGULATION I.



A REGULATION for rescinding Regulation I. 1796, and providing a special Form of Trial, for the Mountaineers of Bhaugulpore; also, for investing the Magistrate of Bhaugulpore with summary Powers, for the Adjustment of certain civil Claims. —PASSED by the Vice-President in Council, on the 8th March 1827; corresponding with the 25th Phaungun 1233 Bengal era; the 25th Phaungun 1234 Fussily; the 27th Phaungun 1234 Willaity; the 10th Phaungun 1883 Sumbut; and the 9th Shawun 1242 Higeree.

THE considerations which originally suggested the expediency of constituting a separate tribunal, composed of hill chiefs, for the trial of crimes and misdemeanors, committed by individuals belonging to the hill tribes, appear to be no longer applicable to the existing state of things, and it has been deemed expedient to assimilate the forms and rules, for the administration of criminal justice, between the inhabitants of the hills and those of the plains, and in lieu of the present imperfect system, to introduce among them the rules contained in the general code of regulations, subject only to the distinction, that the *futwa*, or opinion as to the guilt or innocence of a person under trial before the court of circuit, or as to the law applicable thereto, shall be declared by assessors of their own race, instead of being recorded by the Mahomedan law officer of the court. It has further been deemed expedient, to invest the magistrate of *zillah* Bhaugulpore with summary powers, with a view to the speedy adjustment of particular claims of frequent recurrence among that class of people, and to encourage, on their part, a resort to the constituted authority for the redress of their civil grievances: the following rules have accordingly been enacted by the Vice-President in Council, to be in force from the period of their promulgation.

II.\* *First.* Regulation I. 1796, is hereby rescinded, and the inhabitants of the hills in the district of Bhaugulpore shall be considered, to all intents and purposes, amenable to the jurisdiction of the criminal courts, and subject to the ordinary system of police, in like manner as the inhabitants of the other territories immediately dependant upon the presidency of Fort William. Provided however, that in all cases where it may be prescribed by the existing regulations, that the Mahomedan law officer of the court conducting a trial, shall declare by a written *futwa*, his opinion as to the guilt or innocence of a party under trial, or the law as applicable to the case, the provisions of the said regulation shall not apply to any case in which a native of the hills of Bhaugulpore may be under trial. But in lieu of such law officer, a committee of hill *manjees*, not being less than three in number, shall sit as assessors on the trial, and declare their opinion thereon, according to the laws and customs of the hills, subject to the approval and confirmation of the judge of circuit conducting the trial, in the manner provided by the existing rules in regard to the *futwas* of Mahomedan law officers. Provided further, that in cases of the above nature referred to the Nizamut Adawlut, that court shall pass sentence, or otherwise dispose of a trial so referred, according as to their judgment shall seem best, without referring the same to the law officers of the court, and the concurring opinions of two judges of the Nizamut Adawlut shall suffice for the disposal of any such case, and for the issue of any sentence awarded thereon.

*Second.* The magistrate of the district shall keep a register of *manjees* eligible to the duty referred to in the preceding clause of this section, and on each occasion of a sessions

Preamble

Regulation I. 1796, rescinded, and the people of the hills of Bhaugulpore to be amenable to the jurisdiction of the criminal courts, and subject to the ordinary system of police, in like manner as the inhabitants of the other territories. In lieu of the Mahomedan law officers of the court, a committee of hill *manjees* shall sit as assessors on the trial of any natives of the hills of Bhaugulpore.

The Nizamut Adawlut how to act in cases of trials that may be referred to them.

The magistrate to keep a register of *manjees* eligible to attend the ses-

sions, and how to act when individuals of the hill race are to be tried before the judge on circuit.

Prisoner shall be competent to challenge any of the first chosen assessors.

The magistrate of Bhaugulpore to try summarily and adjudge claims for money or personal property, where the value does not exceed one hundred rupees, and the cause of action may not be of more than one year's standing.

Also to try and adjudge claims regarding the situation of *manjee*, and the right of possession in any hills.

Likewise to decide summarily claims for money which may arise in the Bhaugulpore district, between the hill people, and the inhabitants of the lowlands.

The rules of process and forms of proceeding to be observed by the magistrate, in cases of assault and the like, and the use of stamp paper.

The award of the magistrate how to take effect and be executed, and costs defrayed.

In cases of doubt, claims may be referred by the magistrate to arbitration to the hill chiefs.

Appeal from the magistrate's award may be presented in a petition to the judge of circuit, bearing the usual stamp.

The judge of circuit how to act on the petition

Power of the Nizamut Adawlut to reverse, alter or amend the award.

The magistrate to submit to the Sudder Dewanny Adawlut, monthly statements of the number of claims instituted and disposed of by him.

The above rules not applicable to the *pergunnah* of Bheel Putta,—the inhabitants of that *pergunnah* subject to the general code of regulations.

of jail delivery, when there may be individuals of the hill race for trial, he shall summon a certain number of *manjees*, not being less than twelve, to attend the sessions, and any three or more of these, selected by ballot or otherwise, as the judge on circuit may deem most proper and convenient, shall be competent to sit on the trial in the manner above described : provided however, that any prisoner for trial shall be competent to challenge and object to any one, or to all of the three or more first chosen, and in that case, a second set shall be similarly provided, who shall not be liable to challenge, except upon good ground shown to the satisfaction of the judge holding the trial.

**III. First.** The magistrate of Bhaugulpore is hereby authorized to try summarily, and adjudge all claims for money or personal property arising between the hill people, residing within the limits of the hill divisions ; provided the amount or value of the same does not exceed one hundred rupees, and provided the cause of action shall not have been of more than one year's standing.

**Second.** Under the same limitation of time, the magistrate is likewise hereby authorized to try and adjudge all claims regarding the situation of *manjee*, and the right of possession in any hills, and likewise any disputes respecting the limits of the same.

**Third.** The magistrate is further hereby authorized to decide summarily on all claims for money, and personal property (not exceeding in amount or value the sum of one hundred rupees) which may arise in the Bhaugulpore district, (subject to the above specified limitation in point of time,) between the hill people and the inhabitants of the lowlands.

**Fourth.** In the discharge of the above duties, the magistrate shall observe the rules of process and forms of proceeding prescribed and practised in the investigation and decision of cases of assault and the like : all petitions connected with cases cognizable under the rules of this section, shall be written on paper bearing the usual stamp for petitions presented in the magistrate's court ; and in the summoning and examination of witnesses as well as in all cases of resistance, contempt, or evasion of process, during the investigation of the cases in question, the provisions of the existing regulations, applicable to cases arising in the court of the magistrate, shall apply and regulate the course of proceeding. Provided however, that upon award being made by the magistrate adjudging any sum to be due, or determining the right of any party in a hill tenure or other interest or possession, the award shall take effect and be executed as a decree of a civil court, and the final proceeding of the magistrate in the case shall similarly determine in what manner and by whom the costs, if any, shall be defrayed.

**Fifth.** It shall be competent to the magistrate, whenever, in a case of doubt, or for any other reason, he may so judge fit, to refer a claim brought before him, under the rules of this section, to the arbitration of any given number of hill chiefs he may deem proper to appoint, not being less than three.

**Sixth.** Any party deeming himself aggrieved by the award of a magistrate passed under the preceding rules of this section, shall be competent to bring the matter by petition, bearing the usual stamp for petitions presented to the court of circuit, before the judge of circuit holding the next ensuing sessions of jail delivery for the district. The judge so holding the circuit shall, on receipt of such petition, call for the papers and proceedings, and hold such further investigation as he may deem necessary to satisfy himself as to the merits of the award made by the magistrate. Should he deem the same erroneous, or should the proceedings of the magistrate be found irregular or improper in any respect, a report of the case, with the whole proceedings annexed, shall be submitted to the Nizamut Adawlut, who shall be competent to reverse, alter, or amend the award in any manner that may be deemed proper, and to issue any orders upon the subject that may appear expedient.

**Seventh.** It shall be the duty of the magistrate to submit monthly statements to the Sudder Dewanny Adawlut, of the number of claims instituted, and disposed of by him, under this section.

**IV.** The provisions of the above section shall not be held applicable to the *pergunnah* of Bheel Putta, and the inhabitants of that *pergunnah* shall be considered subject to the rules contained in the general code, both in matters of civil and criminal jurisdiction.

## A. D. 1827. REGULATION II.

A REGULATION *to legalize certain criminal Trials, held in the Division of Bareilly.*—PASSED by the Vice-President in Council, on the 17th May 1827, corresponding with the 5th Jeyte 1234 Bengal era ; the 6th Jeyte 1234 Fussily ; the 6th Jeyte 1234 Willaity ; the 7th Jeyte 1834 Sumbut ; and the 20th Shawul 1242 Higeree.

**W**HEREAS the judges of circuit for the division of Bareilly, in discharging the duties of the circuit for the sessions of the years 1824, 1825, and 1826, did, without the authority of Government or the Nizamut Adawlut, as required by the provisions of Regulation VIII. 1822, try and decide sundry cases of the calendars of Boolundshuher, Mozuffernugger, and Nugeena, at the stations of Meerut, Moradabad, and Alligurh: and whereas to quash those trials, and direct a re-trial of the numerous acquitted and convicted prisoners, would be attended with obvious and heavy inconvenience to the prosecutors, witnesses, and all other persons concerned, the Vice-President in Council has enacted the following regulation.

Preamble.

II. All the trials adverted to in the preamble of this regulation, whether they may have terminated in the acquittal of the prisoners, or their punishment, without reference to the Nizamut Adawlut, or in a reference of the case to the Nizamut Adawlut, or in a postponement of the trial to another session, shall be held, and are hereby declared, to be in every respect, and to all intents and purposes, as good and valid trials as they would have been, had they been held in established course, at the stations where the prisoners were committed, or at the stations where they were actually held with the sanction required by Regulation VIII. 1822.

The trials illegally held  
are hereby legalized.



## A. D. 1827. REGULATION III.



A REGULATION *for modifying and amending the Rules in Force, relative to the Law Officers and ministerial native Officers of the Courts of Judicature, who may be guilty of Corruption or Extortion.*—PASSED by the Governor General in Council on the 1st November 1827, corresponding with the 17th Kautic 1234 Bengal era; the 27th Kautic 1235 Fussily; the 18th Kautic 1235 Willaity; the 13th Kautick 1884 Sumbut; and the 10th Rubee-us-Sanee 1243 Higeree.

**W**HEREAS it has been deemed expedient to modify and amend the rules adverted to in the title of this regulation; the following rules have been enacted to be in force, as soon as promulgated, throughout the provinces dependant on the presidency of Fort William.

II. Clause first, Section 8, Regulation XII. 1793, clause eighth, Section 9, Regulation XIII. 1793, (extended to Benares by Regulations XI. and XII. 1795, and re-enacted for the upper provinces, by Regulations XI. and XII. 1803,) and clause second, Section 6, Regulation XVIII. 1817, are declared subject to the following modifications.

III. Whenever any native ministerial officer, of any civil or criminal court, or any Hindoo or Mahomedan law officer, against whom an action may have been brought in the civil court, to recover money or property, extorted or corruptly taken, shall be proved to have received or taken the whole, or any part of the money or property which he may be charged with having received or taken, the court is to adjudge him to refund the amount of the money, or value of the property, which he may be proved to have so received or taken, with interest, when it may be a case of money taken, at such rate not exceeding twelve per cent. per annum, as to the court may appear equitable, and to pay full costs to the plaintiff in the suit. The court shall not, in such case, be competent to award any fine against the defendant.

IV. Any law officer or ministerial native officer, charged with corruption or extortion, against whom there may appear to be sufficient grounds for a criminal prosecution, shall be liable to such prosecution, as laid down in clause second, Section 6, Regulation XVIII. 1817, whether the civil action provided for in Section 3. of this regulation, shall have been brought or not, and whatever, if brought, may have been its result.

V. From and after the date of this regulation, it shall not be necessary for any party, from whom money or property may have been corruptly taken or extorted, to institute a civil action for the recovery thereof; but on proof of the charge, in a criminal prosecution for those offences, a certified copy of the conviction by a court of circuit or the Nizamut Adawlut, shall be received as sufficient authority for enforcing the refund of the amount or value so taken with interest, on application to that effect being preferred by the aggrieved party, to the civil court, on the stamp paper prescribed for miscellaneous petitions.

VI. Whenever it may be established by the process described in Section 7, Regulation XVIII. 1817, that any native officer attached to a civil or criminal court, may have embezzled any money or other property, duly paid into or deposited in the court to which he is attached; or regularly received by him in his official capacity, in execution of a decree, or on account of a deposit, or on any other account whatever, it shall be the duty of the European controlling authority to refund to the party or parties, whose property may have been so embezzled, the amount or value of the embezzlement, from the public treasury, in the first instance, without reference to the solvency or otherwise of the defaulter or his surety; the Government reserving to itself the right of adopting such measures, for the recovery of the money so refunded, as may be deemed expedient, with reference to the nature and circumstances of each case.

Preamble.

Former rules modified.

No fine to be awarded in the civil court, for the offence of corruption or extortion.

Criminal prosecution not to depend on the civil action, or its result.

Record of criminal conviction sufficient for compelling the refund of property corruptly taken or extorted.

Amount of embezzlement to be paid, in the first instance, from the public treasury.





# A. D. 1827. REGULATION IV.



A REGULATION for extending, in special Cases, the Powers of *Sudder Ameens* in the Trial and Decision of civil Suits.—PASSED by the Governor General in Council on the 27th December 1827, corresponding with the 13th Poose 1234 Bengal era ; the 24th Poose 1235 Fussily ; the 14th Poose 1235 Willaity ; the 10th Poose 1884 Sumbut ; and the 7th Jumadee-us-Sanee 1243 Higreee.

**W**HEREAS the heavy accumulation of civil suits in many of the *xillah* and city courts, renders it essential to the administration of justice that the powers at present exercised by the *sudder ameens* should be augmented : and whereas it has been deemed expedient to rescind such parts of the regulations as declare, that no suit shall be referred for trial and decision to a *sudder ameen* in which a British European subject, or a European foreigner, or an American, may be a party ; the following rules have been enacted, to be in force, from the date of their promulgation, throughout the territories subject to the presidency of Fort William.

Preamble.

**II. First.** It shall be competent to the *Sudder Dewanny Adawlut* to invest any person, exercising the functions of a *sudder ameen* at the station where the *xillah* or city court is held, with the power to try and determine original suits in which the value or amount of the claim may not exceed one thousand rupees.

The *Sudder Dewanny Adawlut* competent to invest *sudder ameens* with powers to try original suits, in which the amount of claim may not exceed a thousand rupees.

**Second.** Such parts of Section 68, Regulation XXIII. 1814, clause first, Section 7, Regulation XXIV. 1814, clause second, Section 5, Regulation II. 1821, or of any other regulation, as prohibit the *xillah* and city judges from referring to a *sudder ameen* any suit in which a British European subject, or a European foreigner, or an American may be a party, are hereby rescinded.

Parts of regulations prohibiting judges from referring to the *sudder ameens* any suits in which a British European subject, or a European foreigner, or an American may be a party, are rescinded.

**Third.** In addition to the powers vested in the *sudder ameens* under the provisions of Section 68, Regulation XXIII. 1814, and clause second, Section 7, Regulation XXIV. 1814, and Section 5, Regulation II. 1821, the *xillah* and city judges are hereby authorized to refer to a *sudder ameen* duly empowered, under the first clause of this section, any depending civil suits in which the value or amount of the claim, calculated according to the provisions of Section 14, Regulation I. 1814, Section 23, Regulation XXVI. 1814, and Section 5, Regulation XIX. 1817, may not exceed one thousand rupees.

Judges may refer to a *sudder ameen*, suits in which the claim may not exceed a thousand rupees.

**Fourth.** Suits referred to a *sudder ameen* under the preceding clause, in which the value or amount of the claim may exceed five hundred rupees, shall be received, tried, and determined in conformity with the provisions of Regulation XXIII. 1814 ; and shall be open to appeal or not to the *xillah* or city judge, according to the rules prescribed in that regulation.

Suits referred to a *sudder ameen* under the preceding clause, shall be tried under the provisions of Regulation XXIII. 1814.

**Fifth.** Appeals from the decisions of *sudder ameens* in which the value or amount of the claim may exceed five hundred rupees shall not be referred to a register, and the decision of the *xillah* or city judge, on such appeals, shall be final, unless the provincial court shall see sufficient reason for admitting a second or special appeal, under the provisions contained in Section 4, Regulation II. 1825, and the regulations therein declared applicable to such appeals.

Appeals from the decision of *sudder ameens* in cases exceeding five hundred rupees, shall not be referred to a register.

**III.** Section 61, Regulation XXIII. 1814, authorizing the provincial courts to exercise their discretion in diminishing or augmenting the number of *sudder ameens*, is hereby rescinded. Whenever the provincial courts, with reference to the state of the civil business and other local circumstances, may hereafter consider the appointment of an additional *sudder ameen* at any *xillah* or city station desirable, or a reduction in the number of *sudder ameens* which may have been appointed expedient, they shall report the grounds of their opinion for the consideration and orders of Government.

The provincial courts to report to Government in future the proposed appointment of an additional *sudder ameen*, or a reduction in the number of *sudder ameens*.



## A. D. 1827. REGULATION V.



REGULATION *for modifying the Rules at Present in Force for the Management of Estates under Attachment by Orders of the Courts of Justice in certain Cases.*—  
PASSED by the Governor General in Council, on the 27th December 1827; corresponding with the 13th Poose 1234 Bengal era; the 24th Poose 1235 Fussily; the 14th Poose 1235 Willaity; the 10th Poose 1884 Sumbut; and the 7th Jummadee-us-Sannee 1233 Higeree.

**W**HEREAS it is expedient, in all cases of the attachment of landed property under orders of the courts of justice, that the management of the estate attached should be placed under the superintendence of the collectors of land revenue; the following rules have been enacted by the Governor General in Council, to be in force, from the date of their promulgation, throughout the territories immediately subject to the presidency of Fort William.

Preamble.

II. The rules contained in Sections 5. and 6, Regulation V. 1799, and clauses fifth and sixth, Section 16, Regulation III. 1803, and Sections 26. and 27, Regulation V. 1812, and clause third, Section 5, Regulation VI. 1813 regarding the administration and management of estates under orders of the *zillah* and city courts, are hereby declared subject to the following modifications.

Modification of certain regulations regarding the management of estates under attachment.

III. Whenever the *zillah* and city courts may deem it just and proper, under the provisions of the several regulations above-mentioned, to provide for the administration or management of landed property, the court shall issue a precept to the collector of land revenue of the district wherein the estate may be situated, directing him to hold the estate in attachment, and to appoint a person for the due care and management of the estate, under good and adequate security for the faithful discharge of the trust, in a sum proportionate to the extent thereof: provided however, that if any person holding an interest in the estate, shall be dissatisfied with the selection made by the collector of the individual to perform the duty in question, or with the conduct of the manager at any time after his appointment, it shall be competent to such person to represent his objections to the Board of Revenue, and the Board will either confirm the manager chosen, or order the collector to appoint another person, as, on consideration of the circumstances of the case, may appear reasonable and proper.

Rule for the issue of precept for holding estates under attachment, and for appointing managers.

IV. The precept of the *zillah* or city court above-mentioned shall state specifically the property to be included in the attachment, and the attachment shall not be withdrawn without a further precept from the court to that effect.

The precept shall specifically state the property to be included in the attachment.



## A. D. 1828. REGULATION I.



A REGULATION for empowering the Governor General in Council to commute Sentences of Imprisonment for Life in the Allypore Jail, to Transportation for Life to any of the British Settlements in Asia, in certain Cases.—PASSED by the Governor General in Council, on the 10th April 1828; corresponding with the 30th Chyde 1234 Bengal era; the 10th Bysaak 1235 Fussily; the 31st Chyde 1235 Wiliaty; the 11th Bysaak 1885 Sumbut, and the 24th Ramzaan 1243 Higerree.

**W**HEREAS some of the convicts now under sentence of imprisonment for life in the Allypore jail, have expressed a desire to have their sentences commuted to transportation for life: and whereas it may, from time to time, be convenient that convicts should be transported to the coast of Tenasserim, or to other British settlements to which convicts are now usually transported, in lieu of being imprisoned for life in the jail at Allypore; the following rules have been enacted by the Governor General in Council to be in force from the period of their promulgation.

Preamble.

**II. First.** Whenever any convict, sentenced to imprisonment for life in the jail at Allypore, shall be desirous of obtaining a commutation of his sentence to transportation for life, he shall make known his wishes to that effect, either verbally or in writing, to the superintendent or other officer in charge of the jail, who shall call such convict before him, and after taking down his request in writing, to be signed by the said convict and attested by two or more respectable persons, shall report the case for the orders of Government, stating at the same time any objections which, in his opinion, may exist to the commutation of the sentence, on account of the dangerous character of the convict, or other circumstances.

In what manner convicts under sentence of imprisonment for life in the jail at Allypore, are to apply to have their sentences commuted to transportation for life.

**Second.** It shall be competent to the Governor General in Council, on a consideration of the report above-mentioned, to commute the sentence passed upon the convict of imprisonment for life in the Allypore jail, to transportation for life to any of the British settlements in Asia, and the sentence so commuted shall be carried into effect in the same manner as sentences of transportation beyond sea for life are now enforced.

The Governor General in Council competent to commute the sentence.

**Third.** The provisions contained in Section 5, Regulation XII. 1818. are hereby declared applicable to convicts whose sentences may be commuted under the foregoing clause, and who shall escape from the place of their transportation, and return without permission to any part of the Company's territories.

The provisions contained in Section 5, Regulation XII. 1818, to be applicable to convicts who may escape from transportation.



## A. D. 1828. REGULATION II. X



A REGULATION *for rescinding Parts of Regulation I. 1799.*—PASSED by the Governor General in Council on the 10th April 1828; corresponding with the 30th Chyte 1234 Bengal era; the 10th Bysaak 1235 Fussily; the 31st Chyte 1235 Wilaiity; the 11th Bysaak 1885 Sumbut, and the 24th Ramzuan 1243 Higeree.

**W**HEREAS the enforcement of the rules contained in Section 3, Regulation I. 1799, which provide that no trade or intercourse whatever shall be carried on by any person resident in the Company's provinces, with the country lying to the north west of the Surmah river, has been found incompatible with a general freedom of trade in Chunam, and other articles, on the frontier of Sylhet, which it was the object of that regulation to promote; the following regulation is passed by the Governor General in Council, to be in force from the date of its promulgation.

Preamble.

II. Such parts of Section 3, Regulation I. 1799, and generally any other provisions of that regulation, which prohibit persons residing in the Company's provinces, from carrying on trade or intercourse with the country lying to the north west of the Surmah river, are hereby rescinded.

Parts of Section 3, Regulation I. 1799, rescinded.





## A. D. 1828. REGULATION III.



A REGULATION for the Appointment of special Commissioners for the more speedy Hearing and Determination of Appeals, from the Decisions of the Revenue Authorities in Regard to Lands or Rents occupied or collected by Individuals, without Payment of the Revenue demandable by Government, under the general Law of the Country, and for otherwise more effectually securing the Realization of the public Dues.—PASSED by the Governor General in Council, on the 12th June 1828; corresponding with the 31st Jeyte 1235 Bengal era; the 14th Assaar 1235 Fussily; the 1st Assaar 1235 Willaity; the 15th Assaar 1885 Sumbut; and the 28th Zekaad 1243 Higeree.

BY the provisions of Regulation II. 1819, and other regulations subsequently enacted, collectors and other local revenue officers, throughout the provinces subordinate to this presidency, have been empowered, with the sanction of the Boards of Revenue, to institute inquiries with a view to the resumption and assessment of all lands held free of rent, or at an inadequate rent under invalid tenures; commissioners have likewise from time to time been appointed, under the orders of Government, to maintain and enforce the public rights in different districts, in which extensive tracts of country unowned and unoccupied at the time of the perpetual settlement, are now liable to assessment, or, being still waste, belong to the state. It was, at the same time, provided in the regulations above adverted to, that in all cases in which the revenue officers might declare the lands of any individual liable to assessment, the party might contest the decision by suit in one of the ordinary courts of justice, such provision having been made with the intention that the decisions of the collectors and the Boards should be held and considered to be judicial awards, and that the suits preferred to the ordinary courts, being of the nature of appeals, should be speedily disposed of. It has, however, appeared that partly from the number of the cases in question, partly from the practice of the courts in treating the appeals made to them as original suits, and partly from other causes, little or no progress has been made towards the settlement of the matter, and heavy arrears of such cases have accumulated in several of the courts and Boards of Revenue; that the existing laws have not been adequate to secure for the revenue authorities the information required; and that consequently, while, on the one hand, a large amount of revenue continues to be usurped without any just pretence, and the improvement of the country is hindered by frivolous and litigious claims, on the other hand, the owners of valid tenures are disquieted and disturbed. To remedy the aforesaid evils, it appears to be expedient to appoint special commissioners competent to determine finally all cases of the nature above described, within such local limits as may from time to time be deemed necessary; to declare the intent and meaning of the existing regulations in regard to suits preferred to the ordinary courts relative to such cases; and to provide that all successions to the possession of land or rent, free of assessment whether by sale, gift, or inheritance, shall be regularly reported to the revenue authorities. It has likewise appeared to be expedient and proper to make provision for the immediate settlement of the limits of the Soonderbuns, as ascertained by careful local inquiry, conducted by the commissioner specially appointed to the duty, and the surveyors under his authority; and also to declare the intent and meaning of certain parts of the existing regulations in regard

Preamble.

to which doubts have arisen.—The following rules have accordingly been enacted, to be in force, from the date of their promulgation, throughout the provinces immediately subordinate to the presidency of Fort William.

Special commissioners to be appointed for the purpose of determining cases investigated by collectors under the rules of Regulation II. 1819, and other similar provisions.

**II. First.** It shall be competent to the Governor General in Council, to appoint one or more special commissioners, as may be judged expedient, for the final determination of all cases which have been or may be investigated by collectors, deputy collectors, or other officers exercising in that behalf the powers of collectors, under the rules of Section 5, and the fifteen subsequent sections of Regulation II. 1819, and of Section 5, Regulation IX. 1825, subject to the provisions hereinafter enacted. And the commissioner or commissioners so appointed, shall similarly determine all suits which may be brought to contest the demand of the revenue officers, on the plea that the annual rent or assessment upon which the demand is founded exceeds what the party is bound to pay, and which may consequently involve the question of a permanent increase or reduction of the public revenue.

The jurisdiction of the special commissioner or commissioners, to extend to such districts or portions of districts as Government may direct.

Government competent to fix and appoint the functions of each commissioner, and to assign such local jurisdiction as may appear proper.

Notice of jurisdiction vested in commissioner, or commissioners, how to be published.

Courts to suspend the exercise of the powers vested in them, in regard to all cases, cognizable by the commissioners, on being apprized of their appointment.

And to stay all proceedings in such cases, until apprized that the local jurisdiction of the commissioner has ceased.

Records of such cases depending before the said courts, to be forthwith transmitted to the commissioner.

No appeal to lie to courts from decisions of the Board of Revenue or collectors, in regard to the revenue of lands within such local division, passed before or pending the appointment of a commissioner.

In cases decided by the Board of Revenue, in which parties would have been entitled to appeal to the courts, an appeal to lie to the commissioner, and the cases to be heard and determined in the same manner as appeals from collectors under this regulation.

Notice of appointment of commissioner to be communicated to Boards of Revenue or other Board exercising revenue con-

**Second.** The jurisdiction of the special commissioner or commissioners appointed as above shall extend to such districts, or portions of districts, and for such periods, as the Governor General in Council may direct: and it shall be competent to the Governor General in Council to fix and appoint the functions to be discharged by each commissioner, and to assign to him such local jurisdiction as may from time to time appear proper.

**Third.** Whenever any commissioner or commissioners shall be vested by the orders of the Governor General in Council with jurisdiction in any district or other division, notice thereof shall be published by proclamation at the *cutcherryes* of the judge and collector of such district, and shall likewise be communicated, through the court of *Sudder Dewanny Adawlut*, to the provincial and *xillah* courts concerned.

**Fourth.** Whenever any of the said courts shall be apprized, in the manner above specified, of the appointment of a commissioner or commissioners to exercise the powers specified in this regulation within any *xillah* or other local division, the powers heretofore vested in, and exercised by the said courts in regard to all cases belonging to such local division of the nature declared cognizable by the special commissioners shall be suspended; and the said courts shall immediately stay all proceedings in such cases, until they shall be apprized that the local jurisdiction of the commissioner or commissioners has ceased; and further the said courts shall forthwith transmit to the commissioner the records of all cases of the above nature, which may be depending before them: provided also, that no appeal shall lie to any of the established courts of judicature from any decision which has been, or shall be passed, by the Board of Revenue, or a collector, in regard to the revenue of any lands lying within such local division, previously to, or pending the appointment of a special commissioner.

**Fifth.** In all cases, which have been decided by the Boards of Revenue, before the jurisdiction of a commissioner may have been declared to extend to the district in which they have arisen, and in which the parties would, but for the extension of such jurisdiction, have been entitled to appeal to the ordinary courts of justice, under the rules contained in Sections 22 and 24, of Regulation II. 1819, and Section 5, Regulation IX. 1825, an appeal shall lie to such special commissioner, and the cases shall be heard and determined in the same manner as appeals preferred to that authority from the decisions of collectors under this regulation.

**Sixth.** Notice of the appointment of the commissioner to exercise the powers specified in this regulation in any district or other local division, shall likewise be communicated to the Boards of Revenue, or other Board exercising control over the revenue officers of such district or division, and on the receipt of such communication, the powers vested in the said Boards, under the provisions of Regulation II. 1819, and Regulation IX. 1825, (with exception to the powers specified in Section 4. of the last mentioned regulation,) shall be suspended within the said district or division; and the said Board shall immediately stay all proceedings in cases thereunto belonging, which may be depending before them, under the provisions of the above regulations, as well as in all other cases relating to the said district or division of the nature described in the preamble to this regulation, and shall forthwith transmit to the commissioner the records of all such cases.

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**Seventh.** When any suit may be transferred by a court of justice or a Board of Revenue to a special commissioner under the provisions of this regulation, the commissioner or commissioners by whom such suit shall be decided shall determine the amount of remuneration to be assigned to the *vakeels* who may have been employed by the parties, in conducting such suit before the court or Board from which it may be transferred, and generally how any costs previously incurred shall be borne: all sums which may have been deposited in such court or Board on account of *vakeels'* fees, shall be kept in deposit until the case is decided, when the amount awarded to the *vakeels* by the commissioners shall be paid to them.

**III.** Whenever the jurisdiction of a commissioner shall be declared by the orders of Government to extend to any district or other local division, it shall be competent to the Governor General in Council to invest such commissioners with any, or all of the powers vested, by the regulations in force, in the Boards of Revenue.

**IV. First.** When the jurisdiction of a commissioner shall have been established in any particular district, it shall be competent to the collector or other local revenue officer of such district to institute the inquiries specified in Regulation II. 1819, and Regulation IX. 1825, in regard to any lands which he may have reason to believe are held free of assessment, or at an inadequate *jumma* under an invalid tenure, or which being unoccupied he may consider to be public property, without previously applying for the sanction of the Board of Revenue. In all other respects, however, he is to proceed to the investigation of the case in the manner provided for in Regulation II. 1819, and Regulation IX. 1825, accordingly as the one or other may apply to the case, and having closed his proceedings, he shall record in a Persian *roobakaree* his judgment as to the liability of the lands to assessment or otherwise, in the manner directed in Section 20. of the first mentioned regulation, and such decision shall have the force and effect of a decree, and a copy thereof on plain paper shall, as soon as possible, be delivered to the party concerned.

**Second.** If the decision of the collector shall declare the lands liable to assessment, or shall adjudge them to be the property of Government, it shall not be necessary for him to transmit his proceedings to the Board of Revenue, or to the special commissioner; but the party against whom such decision is passed shall be at liberty to appeal from the same to the special commission within two months from the date on which a copy of the decision may have been tendered to him by the collector: but it shall be competent to the commissioner to admit an appeal, after the expiration of the above period, on sufficient cause being shown why it was not sooner preferred. Provided also, that petitions of appeal may, at the option of the party, be either presented to the special commissioner or delivered to the collector, for transmission to that authority.

**Third.** It shall and may be lawful for the collector, whether an appeal be filed or not, immediately to carry into effect his decision by attaching and assessing the land; reporting his proceedings for the information and orders of the Board, or of the commissioner if vested with the powers of the Board: provided however, that in cases appealed to the commissioner, it shall be competent to that authority to stay execution of the collector's decree, and to cause the attachment of the land to be suspended or withdrawn, on due security being tendered by the appellant for the payment, from the date of the collector's decision, of the revenue which may ultimately be assessed on the land.

**Fourth.** If the collector shall decide against the assessment, he shall report his proceedings, together with the whole record of the case, to the Board of Revenue, who are to take the case into their consideration, and if they shall be of opinion, that the grounds assigned by the collector for considering the lands exempt from assessment are insufficient or invalid, it shall be competent to the Board, within one year from the date on which they may receive the collector's proceedings, to transfer the case for revision and final orders to the special commissioner, who shall issue a notice requiring the attendance of the party in whose favour the collector may have decided; and should such party neglect, after having been duly summoned, to attend and defend the appeal before the commissioner, it shall be competent to the commissioner to hear and decide the case *ex parte*.

**Fifth.** In all cases decided by a special commissioner or commissioners, whether on appeal by individuals from decision of the collector, or on reference from the Board of Revenue

control, who will, on the receipt of such communication suspend the exercise of the powers vested in them under Regulation II. 1819, and IX. 1825, with the exception stated.

And stay all proceedings in such cases, depending before them, and transmit the records to the commissioners.

In suits transferred from the courts or Boards under this regulation, all sums which may have been deposited as *vakeels'* fees, shall remain in deposit till the case is decided, and the *vakeels'* fees, as well as all other costs, shall then be paid as may be awarded in the decree of the commissioner.

Whenever the jurisdiction of a commissioner shall be declared to extend to any district or other local division, it shall be competent to Government to invest such commissioner with any or all the powers of the Board of Revenue.

On the establishment of a commissioner's jurisdiction in any particular district, the collector or other local officer may institute inquiries under Regulation II. 1819, and Regulation IX. 1825, without previous sanction of the Board. In all other cases he is to proceed in the manner provided for in those regulations.

And having closed his proceedings, he will record his judgment as to the liability of the lands to assessment or otherwise. Such decision to have the force and effect of a decree, and copy to be furnished to the party.

If the judgment is for assessment the party against whom the decision is passed, to be at liberty to appeal to the special commissioner, within two months.

Appeals may be admitted by commissioner, after that period, on sufficient cause shown.

Petitions of appeal may be presented to the commissioner, or delivered to the collector for transmission to him.

Collector empowered to carry his decision into effect, whether an appeal

be filed or not, reporting his proceedings to the Board or the commissioner.

Commissioner may stay execution of collector's decree in cases appealed, and suspend attachment of land, on security for payment being tendered.

If collector decide against assessment, he will report his proceedings to the Board.

Who will, if dissatisfied with the grounds of the collector's decision, transfer the case for revision and final order to the special commissioner within one year.

Commissioner to issue notice to the party requiring his attendance; if party neglect to attend, commissioner empowered to hear and decide *ex parte*.

Decision of special commissioner or commissioners, under this regulation, shall be final.

Excepting cases which, if decided by the Sudder Dewanny Adawlut, would be appealable to his Majesty the King in Council.

In such cases an appeal will lie from the decision of the special commissioner or commissioners, under the rules applicable to appeals from decisions of the Sudder Dewanny Adawlut.

The decision of the special commissioner to be executed and enforced, notwithstanding the institution of the appeal.

Commissioners to be competent to review any judgment passed by them on sufficient cause shown for a new trial.

The judgment of a single commissioner concurring with the decision of the Board or other inferior tribunal, to be final, subject to the provisions of the foregoing clause.

Course to be followed in the event of disagreement of opinion.

The provisions of this regulation not to extend to cases of the nature specified in the several clauses of Section 30, Regulation II. 1819, except when such cases involve the rights of Government to subject lands to assessment.

In cases of the above description, in which Go-

vernue under the above rule, or in cases transferred from any of the ordinary courts of judicature, the decision passed by the special commissioner or commissioners, who by warrant from the Governor General in Council and the provisions of this regulation, may be competent to pass the same, shall be final, save and except in cases which, if decided by the court of Sudder Dewanny Adawlut, would be appealable to his Majesty the King in Council; in such cases, a similar appeal will lie from the decision of the special commissioner or commissioners under the same rules and restrictions as are applicable to appeals from the decisions of the aforesaid court: provided however, that such decisions shall be immediately executed and enforced, notwithstanding the institution of the appeal: provided also, that it shall be competent to any commissioner to review any judgment passed by him on sufficient cause being shown why a new trial should be granted—the rules in the existing regulations regarding a review of judgment being held applicable to such cases.

*Sixth.* In all cases, in which the judgment of a single special commissioner shall coincide with the decision passed by a collector or by a Board of Revenue, or by a court of justice, in cases which have been decided by an inferior court, and after having been appealed to a higher, have been transferred under the provisions of this regulation to a special commissioner, the decision of such single commissioner shall be final, subject to the provisions of the foregoing clause. But, if on hearing any case of the nature above specified, a single commissioner shall be of opinion, that the last award made in such case ought to be reversed or altered, he shall record his opinion to that effect, and the case shall then be laid before another special commissioner appointed under this regulation, and should he disagree in opinion as to the decision of the case, to a third commissioner, so that the final award may be made by the concurrent voices of at least two special commissioners. Provided that it shall be competent to the Governor General in Council, on the occasion of appointing a special commissioner to exercise the powers specified in this regulation within certain local limits, to determine at the same time to what other special commissioner a reference shall be made by him in cases of difference of opinion.

V. It is hereby declared and enacted, that the provisions of this regulation are not intended, and shall not be construed, to extend to cases of the nature specified in the several clauses of Section 30, Regulation II. 1819, save and except when such cases may involve the rights of Government to subject to assessment all or any portion of the lands, in respect to which the action may be brought. In cases of the above description, in which the Government may be a party, whether instituted in the first instance before the collector, or referred to him by the court, the collector shall proceed to investigate and decide in the mode prescribed in the preceding section of this regulation: the several clauses of which shall be held to apply to such suits, and all other cases falling within the provision of Section 30, Regulation II. 1819, in which the Government is not itself a party, shall be heard and determined under the rules therein enacted, and the subsequent modifications of them declared in Section 5, Regulation IX. 1825.

VI. *First.* The special commissioners appointed under this regulation, shall be guided by such rules as may be prescribed by the Governor General in Council, in regard to the forms of proceeding, the nature and number of the pleadings, the mode in which they are to be conducted, the paper (stamped or unstamped) to be used, the fees to be levied, and generally, the rules of practice to be followed.

*Second.* The special commissioners shall likewise be competent to issue such instructions to the collectors of the districts over which their jurisdiction extends, in regard to their proceedings relative to cases investigated under the rules of Regulation II. 1819, and Regulation IX. 1825, as may appear requisite for their guidance and conducive to the ends of justice, and, when it may appear necessary or proper, to refer cases back to those officers for further trial.

*Third.* All processes issued by a commissioner shall be enforced in the same manner, and under the same penalties for disobedience or resistance, as processes of the ordinary courts of justice, and all the powers possessed by those courts, in regard to contempts, the summoning and examination of witnesses, and the administration of oaths, shall be vested in the commissioners, whose decision shall, in such matters, be final.

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**Fourth.** The special commissioners shall be competent to require the *sillah* courts to carry into execution, when necessary, the decisions which they may pass, and the *sillah* courts shall give effect to such decisions in the same manner as they are required to execute the decrees passed by the provincial courts, or the court of Sudder Dewanny Adawlut.

**Fifth.** The several rules and provisions contained in the existing regulations relative to native officers belonging to the *sillah* courts, will be applicable to the native officers employed by the special commissioners, except in cases in which the commissioners may, with the sanction of Government, otherwise determine.

**Sixth.** Any person knowingly giving a false deposition, whether on oath or *hulluf-nameh*, relative to any suit or matter depending before a commissioner, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall, on conviction, be liable to the penalties prescribed by the regulations for that offence. And any person causing or procuring another person to commit the offence of perjury as above described, shall be guilty of subornation of perjury, and shall be punishable, on conviction, under the provisions of the said regulations.

**Seventh.** The commissioners shall be competent to commit persons guilty of the above offences for trial before the court of circuit, and any magistrate receiving from a commissioner a *roobakaree*, directing the commitment of such offenders, shall give effect to the same in like manner as if the commitment were made by himself.

**VII. First.** It shall be the duty of the courts and of the revenue officers to afford the commissioners every aid and information that they may require—to serve all processes issued and required to be served by the commissioners in like manner as if they were issued by themselves, to prepare and transmit to the commissioners such lists of cases decided, or pending before them as they may see occasion to call for, and to furnish all papers and documents which the commissioners may desire to examine.

**Second.** It shall likewise be competent to the commissioners to require the *sillah* courts or the collectors to examine witnesses, either on written interrogatories or otherwise, in regard to any points, the investigation of which it may appear necessary to conduct in that manner, and generally to inquire and report on particular points upon which further information is desirable, in the same manner as the said court are required to report in pursuance of precepts issued to them by the provincial courts and court of Sudder Dewanny Adawlut.

**VIII.** The special commissioners shall furnish to Government periodically such statements and reports, as the Governor General in Council may prescribe.

**IX.** The special commissioners appointed under this regulation shall, before entering on the performance of their functions, take and subscribe a solemn oath, according to the following form; and such oath is to be administered by such person or persons as the Governor General in Council may direct.

### FORM OF OATH.

I, A. B. appointed a special commissioner, under the rules of Regulation III. A. D. 1828, solemnly swear, that I will investigate and determine in equity and good conscience, to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward, all matters which by the said regulation or any other regulation in force, I may be required to investigate and determine: that I will not receive directly or indirectly any present or *nuzzur* in money or effects of any kind from any party whomsoever on account of any matter to be received, investigated, or determined by me, or which may be depending or have been investigated or determined under the abovementioned regulation: that I will not knowingly permit any person or persons under my authority to receive directly or indirectly any present or *nuzzur* in money or effects of any kind from any party or person whatsoever, on account of any matter as aforesaid,—and that I will not derive directly or indirectly any emoluments or advantages from my office, excepting such as the orders of Government do, or may authorize me to receive.

So HELP ME GOD.

**X. First.** The following rules are hereby enacted in modification and extension of the provisions contained in Sections 22, 23, 24, Regulation II. 1819.

vernment may be a party, the collector to investigate and decide in the mode prescribed in the preceding Section.

All other cases falling within the provisions of Section 30, Regulation II. 1819, in which Government is not itself a party, shall be heard and determined under the rules therein enacted, as modified by Section 5. Regulation IX. 1825.

Forms and nature of the proceedings of the commissioners how to be regulated.

Commissioners may prescribe rules for the guidance of the collectors, and may refer cases back to those officers for further trial.

Processes of the commissioner how to be enforced.

Decisions of the commissioners how to be executed.

Native officers attached to the commissioners subject to what rules.

Persons guilty of perjury or subornation of perjury, to be punishable under the regulations.

And may be committed by order of the commissioners for trial before the court of circuit.

Courts and collectors to give their aid to the commissioners.

Commissioners may require *sillah* courts, and collectors to examine witnesses and furnish information.

Commissioners to furnish periodical statements and reports.

Oath to be taken by special commissioners.

Sections 22, 23, and 24, Regulation II. 1819, modified and extended.

**Second.**

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Decisions passed by the Boards of Revenue under Section 21, Regulation II. 1819, to be carried into execution, notwithstanding the parties may have sued to contest the decision.

Persons declining to pay assessment to be dispossessed, and the collector to make arrangements for the collection of the revenue.

But if the land be finally exempted, the collections made to be refunded with interest.

Suits instituted in courts to contest the Board's decision in cases in which the jurisdiction of the courts is not barred by this regulation, how to be heard and determined.

Provide that appeals are still to be admitted from inferior to superior courts, as heretofore.

Appeals from decisions of Boards of Revenue to be kept on a distinct file or register, and civil courts to appropriate one day in the week to their trial and decision.

Further provisions for securing to the revenue authorities information of the transfers of land held free of assessment.

Persons succeeding to the possession of lands

*Second.* All decisions which have been, or may be passed by the Boards of Revenue, under the rules in Section 21, Regulation II. 1819, declaring the liability to assessment of lands, whether the same be situated in districts, to which the jurisdiction of a special commissioner has been extended, or in any other district, shall be carried into immediate execution by the collectors or other local revenue officers of such district, notwithstanding that the parties against whom such decisions may have been or may be passed, shall have sued, or shall sue to contest the Board's decision in one of the established courts of justice, or to the commissioner appointed under this regulation; and such parties shall not be permitted to retain possession of the lands, unless they enter into an engagement to pay the assessment which may be fixed upon them; such assessment to be collected under the general rules for the realization of the Government revenue from farmers thereof: and if any person against whom the Board may have decided, shall decline to pay the assessment fixed on the lands, he shall be forthwith dispossessed, and such arrangements shall be made for the collection of the Government revenue as the collector, under the orders of the Board, may see fit to adopt; but in the event of a final decision being passed, exempting the tenure of any such person from assessment, the net collections made on account of Government shall be refunded with interest thereon at the rate of 6 per cent. per annum.

*Third.* All suits, which may be instituted in the established courts of justice, under the provisions of Sections 22, and 24, Regulation II. 1819, and Section 5, Regulation IX. 1825, to contest decisions of the Boards of Revenue, shall, when the jurisdiction of the above courts is not barred by the operation of this regulation, be heard and determined in the same manner as regular appeals, and no further pleadings shall be required or received in such cases than the objections of the appellant to the decision of the Board, and the reply to those objections on the part of the revenue authorities. The said courts shall likewise, on the admission of an appeal, invariably call for the original record of the Board's proceedings in each case, and shall then require the parties to file their pleadings as above provided; but it shall not be competent to the courts to take further evidence, oral or documentary, unless it shall appear that such evidence was tendered by the party adducing it, to the collector or the Board, and was then rejected on insufficient grounds, or that such evidence is essential to the ascertainment of some fact material to the issue, which may not have been fully inquired into in the course of the previous investigation.

*Fourth.* Provided however, and it is hereby enacted, that nothing contained in the preceding clause shall be construed to bar the admission of a further appeal on the part of the revenue authorities to the provincial courts, or the court of Sudder Dewanny Adawlut, from decisions passed in the first instance in the *Zillah* or the provincial courts respectively, in cases of the nature described, and specially provided for in Section 6, Regulation XIV. 1825, nor the admission by those tribunals of the special appeal on the application of the party opposed to Government, under the rules in Section 26, Regulation II. 1819.

*Fifth.* Appeals filed in the established courts of civil judicature to contest decisions of the Boards of Revenue, shall be kept on a file or register distinct from that on which other suits before those courts are entered, and the civil courts are hereby directed and required to appropriate the first day in each week to the trial and decision of such appeals, and to prevent any unnecessary delay on the part of the appellant in prosecuting their appeals by a strict enforcement of the rules prescribed in Section 12, Regulation XXVI. 1814.

*XI. First.* There being reason to believe, that the rules in Section 3, Regulation LVIII. 1795, and Section 40, Regulation XXXI. 1803, whereby the judges of the *Zillah* and city courts were directed to furnish the collectors of the districts in which the land may be situated, and the Board of Revenue, with copies of every decree passed by them in suits between individuals, or sent to them by the superior courts to enforce, by which the right in, or possession of any lands held exempt from the payment of public revenue, may be affected, has not generally been observed by those courts; Section 9, Regulation VIII. 1811, and Section 9. Regulation V. 1813, having also been rescinded by Regulation II. 1819, without due provision being made for all successions to the possession of *lakheraj* tenures being duly reported to the revenue officers, the following rules are now enacted for that purpose.

*Second.* Persons succeeding to the possession of any lands held free of assessment, or held on a *mocurruree jumma*, on the decease of a former occupant, or by gift, purchase, or

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other assignment or transfer of proprietary right, are hereby required immediately to notify the same to the collector or other officer exercising the powers of collector within the district in which the land may be situated, and any omission to notify such succession or transfer for a period of six months or more, shall subject such land to immediate attachment by the revenue officers.—Nor shall land so attached be restored to the party who may claim to hold it, though the validity of the tenure be subsequently established to the satisfaction of the revenue authorities, until such party shall have paid to Government a fine equal to one year's rent; and if the revenue derivable from the land be not awarded to be the right of the individual, the party shall further be required to refund the amount of the collections made by him, with interest thereon at the rate of 12 per cent. per annum; provided also, that the said rent and collections shall be estimated according to the assessment demandable from the *ryots* at the time of attachment.

*Third.* Where the lands of any individual may be attached under the above rule, any claim which he may prefer to recover possession thereof, and to hold the same free of assessment, or on a *mocurruree jumma*, shall be investigated and determined by the collector, under the provisions of Regulation II. 1819, as modified by the present regulation, and by those which have been intermediately enacted.

XII. All tenures, which may not have been duly registered in the manner prescribed by the regulations, or of which the specification contained in the register shall not purport the same to be held under a hereditary title, or as a perpetual endowment, shall be and be held to have been liable to resumption, unless the same may have been declared hereditary by a final decree of a competent court of judicature, on the demise of the persons who were in possession at the dates respectively of Regulations XIX. and XXXVII. 1793, Regulations XLI. and XLII. 1795, Regulations XXXI. and XXXVI. 1803, Regulations VIII. and XII. 1805, according as the lands may be within the districts to which those regulations are severally applicable, or in other parts of the country at the date at which the same came into the possession of the British Government: and collectors and other officers exercising the powers of collector, shall accordingly proceed to assess, and, if necessary, attach all lands liable to resumption as above, in the same manner and with the same powers as they are authorized and required to proceed in the case of a lapsed farm, any thing in the existing regulations to the contrary notwithstanding. Provided further, that the nature and extent of the interests vested in the holders of lands and rents exempted from assessment shall, when the title deeds are forthcoming, and their authenticity recognized, be construed and defined with reference to the whole of the matter contained in such deeds, and not merely by the designation of the tenure. *Jaghires* consequently shall not be held to be life tenures in cases in which the recital of the grant shall be such as clearly to convey a hereditary interest: nor shall any tenures, howsoever designated, be considered to be hereditary and perpetual, if the grants under which they are held shall not convey, in express terms, a hereditary or perpetual interest.

XIII. *First.* The uninhabited tract known by the name of the Sunderbuns has ever been, and is hereby declared still to be, the property of the state: the same not having been alienated or assigned to *zemindars*, or included in any way in the arrangements of the perpetual settlement. It shall therefore be competent to the Governor General in Council to make, as heretofore, grants, assignments, and leases of any part of the said Sunderbuns, and to make such measures for the clearance and cultivation of the tract as he may deem proper and expedient. All parties to whom such grants, leases, or assignments shall have been made, or to whom they may hereafter be made, shall be entitled to hold or to take possession of any tract of Sunderbun *jungle* so granted or assigned, without question or opposition, and all public officers shall aid and assist the same. Provided also, that if any *zemindar*, *talookdar*, or other *sudder malguzar*, or any other person owning and occupying or collecting the rent or revenue of cultivated land in the neighbourhood of the land so granted, leased, or assigned, shall sue in any court of *ad-wolut*, or before a special commissioner, under this regulation, to contest the validity of the title or the right of possession of any such lessee or grantee, under such grant, lease, or assignment, then if the land aforesaid shall be proved to be, or to have been, or be not denied to be or to have

held free of assessment or on *mocurruree jumma*, to report the same to the collector.

Omission to report within six months to subject the land to attachment.

Land so attached not to be restored until the payment of a fine equal to one year's *jumma*.

And if the land be awarded not to be the right of the individual, collections to be refunded with interest.

Claims to recover possession of lands attached as above, how to be investigated and determined.

Tenures not registered under the regulations, or of which the specification in the register shall not purport them to be held under hereditary title, or as permanent endowment, shall be held liable to resumption; unless declared hereditary by a final decree of a competent authority.

Such lands to be attached and assessed in the same manner as lapsed farms.

Nature and extent of the interests vested in the holders of *lakheraj* lands, how to be determined.

The Sunderbuns declared the property of the state, and Government competent to make grants and to take measures for its clearance.

Parties obtaining grants to take possession, and public officers to aid and assist them.

Persons deeming themselves aggrieved by such grants, how to proceed.



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Parties claiming right to derive revenue from persons engaged in gathering or collecting *jungle* produce in the Sunderbuns, entitled to compensation from Government on proving right.

been, when so granted, leased, or assigned within the limit of the unoccupied *jungle* so named and described, the suit shall be dismissed with costs. Provided however, that if any *zemindar*, *talookdar*, or other person aforesaid, shall claim to possess a valuable interest in any part of the Sunderbuns, by virtue of authority to collect money or other valuable thing from the persons engaged in gathering wax, or cutting wood, or obtaining other *jungle* products of the tract, or by virtue of any other similar privilege or advantage which may have been recognized as part of the assets, on which the assessed revenue of his *zemindaree*, *talookdaree*, or other tenure was adjusted at the time of farming the perpetual settlement of the district, and the collection of which was not subsequently stopped and due compensation made, under the rules relative to the collection of *sayer* revenue, or other similar arrangement, such *zemindar*, *talookdar*, or proprietor, shall be entitled to receive from Government compensation for any diminution in the value of such interest and advantage consequent on the arrangements adopted for the cultivation of the Sunderbuns; the same being duly established, after an investigation conducted under the rules of Regulation II. 1819, as modified by this regulation.

Boundaries of the Sunderbuns how to be determined.

\* Parties injured by such demarcation how to proceed, and commissioners and courts how to determine such cases.

*Second.* The boundary of the Sunderbun *jungle* shall be laid down by accurate survey as determined on the spot by the commissioner of the Sunderbuns, and any *zemindar*, *talookdar*, or party interested, shall be entitled, on application made through the commissioner, and on payment of the charge of preparing the same, to receive a copy of the survey map, or of any part of the same, with the boundary marked there as so determined, together with a copy of the commissioner's proceedings on the subject. Any party deeming his right injured by the demarcation so laid down, shall be at liberty, at any time within three months from the date of the commissioner's proceeding fixing the same, (which proceeding shall always be held and published on the spot.) to contest the same by petition to a special commissioner under this regulation, having local jurisdiction for the time being, (or if no such jurisdiction exist, to the ordinary courts of justice, by which the case is cognizable,) praying further investigation; provided that no plea of objection against the line of demarcation laid down shall be heard or admitted, excepting only such as shall declare and offer proof that at the time of survey a specific quantity of land, or land with defined limits was in the occupation of the petitioner cleared and under cultivation, which, by the line of demarcation adopted, is placed within the Sunderbun tract belonging to Government. Every such application so made shall be regarded as a claim to hold the tract claimed free of the public assessment, and shall be investigated and decided under the rules of Regulation II. 1819, as modified by this regulation.

**RULES OF PRACTICE** for regulating the Proceedings of the Special Commissioners appointed under Regulation III. 1828. — PASSED by the Right Honorable the Governor General in Council, on the 21st August, 1828.

**Section I.** The several cases which may be received for trial by each commissioner, whether transferred by the courts of justice, or Boards of Revenue, or received on appeal by parties, shall be regularly numbered and entered on separate file-books, according to the following classification, viz.

One file for cases of *lakheraj* lands or tenures claimed to be held free of all rent.

One file for cases of claims to hold land at *mocurreree*, or fixed *jumma*, or to resist the assessment of land on the plea that it is included in settled estates, such as *halabad*, *noabad*, *townfeer*, and *putteedabad* lands.

One file for new *churs* and *jungle* lands claimed as the absolute property, and at the disposal of Government.

Each file to be kept according to the form A annexed.

**II.** Each commissioner is to entertain a *mohafex dufter*, who is to have special charge of the record of cases to be heard and determined, for the safe custody of which that officer shall be held responsible; and all officers, who may be employed by the commissioners in the execution of the duty confided to them, shall be considered as exclusively under their control.

**III.** Whenever the record of any cause may be transferred by a court of justice to a special commissioner, under the rule contained in the fourth clause of Section 2, Regulation III. 1828, the commissioner shall, in a Persian *roobakaree*, acknowledge the receipt of the record, and request the court to intimate the transfer to all parties connected with the suit, who may have appeared before it. The commissioner shall further issue a notice according to the form in use in the courts of justice, to be served through the *xil'ah* or city court within the jurisdiction of which the lands may be situated, requiring their attendance for the purpose of prosecuting or defending the suit as the case may be; all notices of the above description, which it may be necessary to issue to any officer on the part of Government, shall be served as hereinafter directed.

**IV.** In all cases which may be transferred to a special commissioner by a Board of Revenue, under the provisions of the sixth clause of Section 2, Regulation III. 1828, the Board shall be requested to notify the transfer to the parties or their agents, who may have appeared before them, and notices, similar to those prescribed in the preceding section, shall be issued for the attendance of the parties, to be served through the judge of the *xillah* or city court, within the jurisdiction of which the lands may be situated.

**V.** Whenever any person, who may be dissatisfied with a decision passed by a collector, shall under the option given in the second clause of Section 4, Regulation III. 1828, present his petition of appeal to the collector, by whom the decision has been passed, it shall be the duty of that officer, after having had a complete copy of the record of the case made for retention in his own office, to transmit the original record of the suit, accompanied by an accurate list of all the papers contained in it, to the office of the special commissioner of the division; in making a transcript of the record previous to transmission, the collector is to be specially careful that all *sumuds* and other documents are accurately and faithfully copied for record in his office: and the original record is, in all practicable cases, to be transmitted within fifteen days from the date on which the petition of appeal may be filed.

**VI.** On the same day on which the original record of any case appealed may be transmitted from the collector's office to that of the special commissioner of the division, the collector shall issue a notice to the appellant, apprizing him thereof, and requiring him to attend the commissioner, either in person or by an authorized agent, for the purpose of prosecuting his appeal within six weeks from the date of the receipt of such notice: if any other person, not being an officer of Government, shall have been a party to the case, a similar notice shall be issued to such person, and the due service of such notices shall, on their being returned to the collector, be certified by him to the special commissioner.

**SPRINTED.**

Cases transferred to commissioners, and received in appeal by them, to be numbered and filed in three separate registers, according to a given form.

Each commissioner to entertain a *mohafex dufter*, to be held responsible for safe custody of records.

**ADMISSION OF APPEALS.**

In suits transferred from courts of justice, notice to parties how to be issued.

In cases transferred from the Revenue Boards similar notices to issue to the parties.

Collectors how to proceed, when petitions of appeal are presented to them.

Notice of transmission of record to be given to the appellant and other parties concerned.

## A. D. 1828. REGULATION III.

Collector to apprise the agent of Government, appointed at the commissioner's *cutcherry*, of the admission of the appeal.

VII. It shall likewise be the duty of the collector, on the transmission of the record of any case appealed as above specified, to give notice of the admission of such appeal by *per-wannah*, addressed to the officer who may be appointed, as hereinafter provided, agent on the part of Government at the *cutcherry* of the special commissioner.

Petitions of appeal preferred to commissioner to be accompanied by authenticated copy of decision appealed from.

Commissioner how to proceed, when appeal is admitted from decisions of collectors.

And how to proceed, if the appeal be from a decision of a Revenue Board.

VIII. Every petition of appeal from the decision of a collector, preferred direct to a special commissioner under the rule quoted in Section 5, or from the decisions of a Board of Revenue, under the provisions of the fifth clause of Section 2, Regulation III. 1828, shall invariably be accompanied by a duly authenticated copy of the decree appealed from; and on the admission of an appeal so preferred, the special commissioner shall, when the decision appealed from may have been passed by a collector, issue a precept to that officer requiring him, within a specified time, to transmit the original record of the cause to the office of the special commissioner, a copy of the record being retained by the collector. as provided in the fifth section of these rules; in cases when the appeal admitted as above shall be from a decision passed by a Board of Revenue, the special commissioner shall, by a Persian *roobakaree*, require such Board to transmit to his office the original record of the case, (a copy being similarly retained,) within a specified period.

Notice of the admission of an appeal to be given to other parties not appellants or officers of Government.

IX. When an appeal may be admitted by a special commissioner under the rules contained in the two preceding sections, if there shall appear, on a perusal of the decree appealed from, to be any individuals interested in the issue of the appeal besides the appellants and the officers of Government, it shall be the duty of the special commissioner to direct a notice of the nature described in Section 6. of these rules to be served on such persons, through the *zillah* or city courts, within the jurisdiction of which they may reside, and the due service of such notice shall be certified by the judge of such court, in reply to the precept issued to him by the commissioner.

Judges of *zillah* and city courts to certify the due service of such notice.

Notice to respondents and other parties in cases referred to special commissioners under clause 4, Section 4, Regulation III. 1828, how to be served.

X. In cases which may be referred to the special commissioners by the Revenue Boards, under the provisions of the fourth clause of Section 4, Regulation III. 1828, the notice therein directed to be issued for the attendance of the respondents, as well as any notice which it may appear proper to the commissioners to issue for the attendance of any other party, not being an officer of Government, shall issue through, and be served by, the judge of the *zillah* or city court of the district in which the respondent or such party may respectively reside.

In certain cases, collectors are to stay execution of decrees in cases appealed.

XI. With reference to the provisions of clause third, Section 4, and clause second, Section 6, Regulation III. 1828, it is provided that, whenever a petition of appeal shall be preferred to a collector against a decision passed by him, declaring land liable to assessment, or when a collector may have reason to believe, that it is the intention of the party against whom such decision may have been passed, to appeal therefrom within the period limited by the above regulation, he shall not proceed to carry the decree into execution, until after the expiration of that period, unless he shall be sooner apprized that an application on the part of the appellant to stay execution of the decree has been rejected by the special commissioner, in which case, or otherwise after the expiration of the period limited for appealing, he may proceed to execute the decree, unless prohibited from so doing by order of the special commissioner.

When petition of appeal is filed before the special commissioner, he may order execution to be stayed.

XII. Provided also, that in cases in which the petition of appeal may be filed before a special commissioner, if, on a perusal of the decree, he shall see reason to direct execution thereof to be suspended, an order to that effect shall be issued to the collector, along with the requisition for the original record of the cause directed to be issued in the eighth section of these rules.

### RULES RELATIVE TO PLEADINGS.

Petition of appeal to be written on stamp paper value one rupee.

Petition may contain grounds of appeal, or they may be advanced in a separate pleading, but if

XIII. Every petition of appeal from the decision of a Board of Revenue, or of a collector, which may be preferred to a special commissioner, under the provisions of Regulation III. 1828, shall be written on stamp paper of the value of one rupee.

XIV. It shall be at the option of the appellant to enter the grounds of his appeal in detail in the petition for the admission of his appeal, or to reserve his arguments to be brought forward in a separate pleading; but in the event of his adopting the latter course, such pleading shall be written on stamp paper value one rupee.

XV. In appeals, wherein an officer of Government is the party respondent, the reply to be filed to the grounds of appeal is to be written on stamp paper value one rupee, and a reply, either in express refutation of the pleas of the appellant, or generally resting the defence on the grounds recited in the decree appealed from, shall be required in every case.

XVI. In cases referred by the Revenue Boards for revision to the special commissioners, under the rule in clause fourth, Section 4, Regulation III. 1828, the Board referring the case shall be required, in reply to the reference, to direct the superintendent and remembrancer of legal affairs, or some other public officer, to file a pleading containing the grounds on which the Board are dissatisfied with the collector's decree, and such pleading shall be written on stamp paper value one rupee.

XVII. The reply of the party opposed to Government, in cases of the above description, shall likewise be written on stamp paper value one rupee.

XVIII. No miscellaneous petition or pleading of any kind, beyond the *wujoohat* of the appellant, and the reply of the respondent shall be admitted, unless on a verbal representation by the parties or their agents, before the commissioner, such additional pleading or miscellaneous petition shall appear necessary; but when admitted to be so by the commissioner, and allowed to be filed, it shall be written on stamp paper value one rupee.

XIX. The foregoing rule is not, however, to be construed to prevent the admission, by the special commissioners, of petitions presented solely for the purpose of staying execution of decrees, which petitions may be received and acted on at any time, pending the decision of an appeal.

XX. With reference to the provisions for a review of judgment contained in the fifth clause of Section 4, Regulation III. 1828, it is provided that all petitions for review of judgment, which may be presented to the special commissioners, shall, if presented within two calendar months from the date of the decision of which review is prayed, be written on stamp paper value one rupee: but if presented after the expiration of the above period, such petition shall be written on the stamp paper prescribed in Section 13, Regulation I. 1814, calculated at the computed annual produce of the land in dispute.

XXI. If any appellant shall not, within the period of six weeks from the date of instituting his appeal, if preferred direct to a commissioner, or, if filed at the collector's office, from the date on which he may receive notice that the record of the case has been transmitted to the commissioner, either attend in person, or appoint an agent as hereinafter provided, and prosecute his appeal, a further notice shall be issued by the commissioner, through the *sillah* or city court, requiring such appellant to attend and prosecute his appeal within fifteen days from the date of the receipt of such notice. If the *peon* charged with the service of the notice cannot serve it upon the appellant personally, he shall proclaim the same at the dwelling of the appellant in the presence of witnesses, and such proclamation shall be deemed equivalent to personal service; and if the appellant shall afterwards omit or refuse to attend the commissioner within the prescribed period, his appeal shall be dismissed with costs.

XXII. If an appellant, after having appointed an agent to plead his cause, shall neglect to prosecute the same for a period of six weeks, a requisition by the commissioner to such agent to proceed in the case within fifteen days, shall be held equivalent to a notice to the appellant; and in the event of his not so proceeding, his appeal shall be dismissed.

XXIII. All notices required to be served on any officer of Government concerned in a suit before the commissioners, shall be delivered to the agent appointed on behalf of Government at each commissioner's *cutcherree*, who shall give a receipt for the same, and transmit a copy thereof to the officer concerned, and return the original to be filed on the record.

XXIV. Should the special commissioners, acting on the direction vested in them, in common with the ordinary courts of justice, by the third clause of Section 10, Regulation III. 1828, deem it necessary or proper to receive further evidence, oral or documentary, in any case depending before them, no stamp fees shall be levied from the parties for summoning witnesses or filing exhibits.

the latter, such pleading to be written on stamp paper value one rupee.

Reply of Government to be written on the same paper, and always to be put in.

In cases referred for revision by Revenue Board, under clause fourth, Section 4, Regulation III. 1828, Boards to direct a public officer to file a pleading containing grounds of dissatisfaction: such pleading to be written on stamp paper value one rupee.

Reply of respondent to be written on similar paper.

No further pleadings to be admitted, except under special circumstances.

Above rule not to apply to petitions of suspending execution of decrees, pending appeal.

Petitions for review, on what paper to be written.

#### RULES

##### REGARDING DEFAULT.

An appellant defaulting for six weeks, to be called on by a notice to appear.

What to be deemed due service of such notice.

If appellant defaults after appointing an agent, a requisition to such agent to be held sufficient notice.

All notices of Government officers to be delivered to the Government agent.

#### RULES

##### RELATING TO EVIDENCE AND FEES.

If further evidence, oral or documentary, is received, no stamp fees shall be levied from the parties for witnesses or documents.

Further evidence of witnesses required, to be taken by *xillah* or city judge on specific points.

Party may produce his witness himself, or undertake the service of subpoena on him.

Same course when a witness is required to be examined before a commissioner.

**RULES  
RELATIVE TO MOKTARS OR AGENTS, AND  
THEIR REMUNERATION.**

Parties may plead themselves, or appoint agents.

Regular power of attorney appointing an agent to be executed, and filed on the record.

The parties not restricted in choice of agents to any particular number of individuals, but they must be of good character.

Parties at liberty to settle with their *moktars* the amount of remuneration to be paid for their services.

If they disagree, the commissioners finally deciding may fix the amount.

But if *moktar* will not await final decision, he shall refund what he may have received.

*Moktars* to be subject to fine, &c. for neglect and misconduct, as pleaders of the courts of justice are.

An agent to be appointed on behalf of Government at each *cutcherry* where the commissioners sit.

Rules relative to Government pleaders to apply to him as well as the rules for other agents employed by the parties before the commissioners.

**RULES  
RELATIVE TO DECREES AND COSTS OF SUIT.**

Where commissioners interfere as to agents remuneration, the final sum awarded to be entered in the decree as costs.

Provision also to be made for the mode in which all costs are to be borne by parties.

Original decree and three counterparts to be prepared on English paper, and how to be disposed of.

XXV. If, in any case, the special commissioners shall deem the further evidence of witnesses necessary, they shall be summoned and examined by the judge of the *xillah* or city within which they may reside, on specific points indicated by the commissioners and recorded on their proceedings. If a party, at whose instance a witness may be summoned, will undertake himself to produce him, or to serve the subpoena on him, he shall be allowed to do so, otherwise the process shall be served by a *peon* of the *xillah* or city court, under the ordinary rules in force: the same course shall be followed whenever it may be considered necessary to examine a witness before any of the special commissioners.

XXVI. Every party whose case may be depending under Regulation III. 1828, before a special commissioner, shall be at liberty, if he chooses, to attend and plead his own cause in person, or to appoint a *moktar* or agent, specially for that purpose.

XXVII. Every person who may appoint an agent, as above authorized, shall execute a regular power of attorney in such agent's name, and the execution of such instrument, which may be written on unstamped paper, shall be attested by some European public officer, and it shall be filed on the record of the case.

XXVIII. The parties in cases before the commissioners, are not to be restricted in the appointment of agents to any particular number of individuals, provided that the persons appointed shall appear to the commissioners to be of good character and respectability.

XXIX. The parties shall be at liberty to make such arrangements in regard to remuneration for their services with the *moktars* or agents whom they may appoint, as may be agreed on among themselves; provided, however, that if, on the decision of the case, the parties shall disagree as to the sufficiency or otherwise of the terms agreed on, the amount shall be fixed by the commissioner, or commissioners, by whom the case is decided: provided also that if any *moktar* shall (without waiting for the final adjustment of the matter as above provided for at the time of decision) decline to act further for his principal, he shall, if the latter demand it, be required to refund any sum which he may already have received for undertaking the conduct of the cause.

XXX. Every agent or *moktar* who may be appointed to conduct a cause before the special commissioners, shall be subject to fines and other penalties for neglect, contempt of court, or other misbehaviour, to the same extent, and in the same manner, as the regular pleaders of the courts of justice are subject by the regulations.

XXXI. An agent shall be appointed, (if approved by Government) by the superintendent and remembrancer of legal affairs, to attend on behalf of Government at each *cutcherry*, where suits may be heard and determined by the special commissioners, and such agent shall be remunerated by a fixed salary, or in such other manner as the Governor General may be pleased to determine; the agent so appointed shall moreover be liable to all the rules applicable to Government pleaders, as well as to the rules prescribed for the agents who may be employed by individuals to plead before the commissioners.

XXXII. In giving judgment in each case, if the special commissioners shall see reason to interfere in regard to the compensation to be paid by the parties to the agents employed to plead their causes, the amount of remuneration finally authorized shall be inserted as costs at the foot of the decree; distinct provision shall likewise be made in every decree as to whether the party against whom it is passed is, or is not, to bear the whole or any portion of the expenses, which may have been incurred by the party opposed to him, including, of course, costs of the nature indicated in the seventh clause of Section 2. Regulation III. 1828, in cases to which that clause may be applicable.

XXXIII. The original decrees of the special commissioners, intended to be kept with the records of the cases, as well as three counterparts, to be disposed of as underneath directed, are to be transcribed on plain paper, but of European manufacture exclusively; one counterpart shall, as soon as practicable, be delivered to the party opposed to Government: one counterpart shall be transmitted to the collector of the district in which the land is situated: and the remaining counterpart shall be forwarded to the Board of Revenue, or other authority exercising the powers of a Board of Revenue, under the control of which such collector may be placed. All other copies of the decrees of the commissioners, which parties

## A. D. 1828. REGULATION III.

may require for private use, or as documents to exhibit in evidence, shall be made at the expense of the parties on plain or stamp paper, under the general regulations in force; but such copies shall only be permitted to be prepared by persons duly authorized by the commissioners.

All other copies to be made as directed by the regulations in force.

**XXXIV.** In transmitting a counterpart of the decree as above directed, to the collector the commissioner, by whom it may have been passed, shall accompany it by instructions to that officer, to carry it into immediate execution, and to report, within a given period, the measures which he may have adopted for that purpose.

Commissioner in transmitting counterpart of decree to collector, to order him to execute it, and report progress thereon.

**XXXV.** In all matters not specially provided for in the foregoing rules, or in Regulation III. 1828, the course of proceeding shall be conformable to the rules in force for the guidance of the courts of justice in the trial and decision of regular appeals.

### GENERAL RULES.

Unless otherwise provided, the commissioners to be guided by regulations in force for the trial of appeals.

**XXXVI.** With a view to ensure uniformity in the proceedings and practice of the several special commissioners appointed to act under Regulation III. 1828, it is hereby provided, that whenever it may be deemed necessary by any special commissioner, to propose rules of practice, either original or in modification of the present rules, he shall transmit a draft of such rules to each of the other commissioners acting under the regulation, with a request that they will record their sentiments on the expediency or otherwise of the proposed rules, so that the draft, when transmitted for the consideration of Government by the commissioner with whom it may originate, may be accompanied by the observations of all the commissioners.

Any commissioner proposing new rules, to submit his draft before it is sent to Government to the other commissioners for their opinions, which are to accompany the reference.

### FORM A.

Register of Lakheraj cases before the special commissioner appointed under Regulation III. 1828, for the division of ———.

Number of appeal.	Names of parties.	District in which the land is situated.	Substance of the decree appealed from.	Date of the decree appealed from.	Date of appeal.	Date and substance of final decision.



## A. D. 1828. REGULATION IV.



A REGULATION to declare and extend the Powers to be exercised by Collectors, when making or revising Settlements, under the Provisions of Regulation VII. 1822.

—PASSED by the Governor General in Council, on the 7th August 1828; corresponding with the 24th Sawun 1235 Bengal era; the 12th Sawun 1235 Fussily; the 25th Sawun 1235 Willaity; the 12th Sawun 1885 Sumbut; and the 25th Mohurram 1244 Higeree.

**W**HEREAS it appears to be expedient that the powers specified in Section 16, Regulation VII. 1822, should be generally vested in collectors and other officers performing the duties of collectors, when employed in making or revising settlements according to the provisions of that law, and that the jurisdiction of the said officers in such cases should not be barred by summary decisions passed by magistrates or joint magistrates, under the rules of Regulation XV. 1824; the following rules have been enacted, to be in force, from the date of their promulgation, throughout the provinces subject to the presidency of Fort William.

Preamble

**II. First.** It shall be competent to all collectors and other officers engaged in making or revising the settlement of any *mohaul*, to hear, try, and determine all claims to the property and possession of the lands lying, or alleged to lie within the same, or the rent or produce or any appurtenance thereof, and to give possession to the party who may appear to have the best title, subject to the orders and directions of the Board to which they are respectively subordinate, and further subject to the revision of the *sillah* or provincial court on a regular suit. And no decision passed by a collector under this section, shall be disturbed by any court of judicature, otherwise than after a full and regular investigation of the merits.

Collectors and other officers engaged in making settlements of *mohauls*, to hear, try, and determine all claims to property and possession of the lands lying or alleged to lie within the same.

And to give possession to parties, subject to orders of the Boards of Revenue, and to revision of the *sillah* and provincial courts in regular suit.

Decision of collectors not to be disturbed by courts of judicature, without a full and regular investigation of merits.

Section 3, Regulation XV. 1824, modified.

**Second.** In modification of the rule contained in Section 3, Regulation XV. 1824, it is hereby declared and enacted, that summary decisions passed by magistrates and joint magistrates, under the authority given to them, may be revised, altered, or reversed by collectors, or other officers exercising the powers vested in them by this regulation, intimation of such revision, alteration, or reversal being invariably given to the magistrate or joint magistrate of the division in which the original decision was passed, and the parties in whose favour judgment may be passed by the collectors or other officers above-mentioned, shall be maintained in possession, until the decision shall be altered or reversed by a superior Board or by a competent civil court, on the institution and determination of a regular suit.

**Third.** If in any case, in which a collector or other officer vested with the powers of collector may have held proceedings under Regulation VII. 1822, previously to the enactment of this regulation, it shall appear to the Board of Revenue or to Government, that justice has been denied to any one because of his not having exercised the authority, which such officers are, by this regulation, empowered and required to exercise, or in consequence of his jurisdiction having been disallowed, it shall be competent to the Board and to the Governor General in Council, to direct the said officer, or any other officer exercising similar

The Board of Revenue and Government may direct collectors to hold supplementary proceedings, in cases in which there may be reason to think, that justice has been denied from want of authority on the part of collectors.



A. D. 1828. REGULATION IV.

lar functions, to hold supplementary proceedings, for the trial and determination of the claims of the party so appearing to be aggrieved, with the same powers as if he had originally proceeded under the present regulation.

Period defined, during which collectors are to be considered to be engaged in making and revising settlements

*Fourth.* To prevent doubts as to the period, for which collectors and other officers aforesaid, are to possess the powers vested in them by this regulation, and by Regulation VII. 1822, in regard to any *mohauls* of which the settlement may have been or may be about to be made or revised, it is hereby declared and enacted, that they shall be held and considered to be engaged in making and revising such settlement from the date on which they may have issued or may issue orders for adjusting the boundaries, for measuring any of the lands, or for making a census of the inhabitants of any village or portion of a village belonging to such *mohaul*, of which intimation shall be given to the magistrate or joint magistrate within whose division the village shall be situated, up to the day on which they may be informed that the settlement, as made and revised by them, has been finally confirmed by Government. During the aforesaid period, the powers vested in magistrates and joint magistrates by Regulation XV. 1824, shall be suspended in regard to all *mohauls*, of which the settlement may be so in progress: and the said officers shall be guided, in respect to such *mohauls*, by the provisions of clause second, Section 34, Regulation VII. 1822, by which they were required to refer to the revenue authorities, disputes regarding lands, premises, crops, watercourses, and the like. And all police officers are required to give immediate and efficient support to collectors and other revenue officers in the execution of their duties.

The powers vested in magistrates and joint magistrates by Regulation XV. 1824, to be suspended for such period, and those officers to be guided by the rules of clause second, Section 34, Regulation VII. 1822.

Police officers to give immediate and efficient aid to collectors.

## A. D. 1828. REGULATION V.



A REGULATION *for authorizing the Zillah and City Courts to execute Awards of Military Courts in certain Cases.*—PASSED by the Governor General in Council, on the 28th August 1828; corresponding with the 14th Bhadoon 1235 Bengal era; the 3d Bhadoon 1235 Fussily; the 15th Bhadoon 1235 Willaity; the 4th Bhadoon 1885 Sumbut, and the 16th Suffer 1244 Higeree.

**W**HEREAS the rules for the execution of awards of military courts, acting under the provisions of Section 22, Regulation XX. 1810, have, in some instances, been found defective; the following rules have been enacted, to be in force from the period of their promulgation.

II. Whenever an award of a military court, acting under the provisions of Section 22, Regulation XX. 1810, against a defendant being a native of the description mentioned in the said section, shall decree a sum beyond the extent of the property which such defendant may be found to possess within the reach of military authority, but not exceeding two hundred rupees, it shall be competent to the judge of any *zillah* or city to give effect to such award, by levying the amount, or a portion of it, from any of the defendant's property which may be pointed out within the jurisdiction of the said *zillah* or city, on being furnished with a copy of the award, and a certificate from the commanding officer of the district, of the extent of the amount unrealized; and the *zillah* or city judge to whom such application shall be made, within the period of three months from the date of the award, is hereby authorized and directed to proceed to execute the same, in the mode prescribed by the existing regulations for the sale of property, in the execution of decrees when passed by a *zillah* or city court.

Preamble.

Judges of *zillah* and city courts to give effect to awards of military courts in certain cases.



## A. D. 1828. REGULATION VI.



A REGULATION to explain the Intent and Meaning of certain Parts of Regulation II. 1823.—PASSED by the Governor General in Council, on the 4th September 1828; corresponding with the 21st Bhadoon 1235 Bengal era; the 10th Bhadoon 1235 Fussily; the 22d Bhadoon 1235 Willaity; the 11th Bhadoon 1885 Sumbut, and the 23d Suffer 1244 Higeree.

**W**HEREAS the minimum of punishment in cases of affray attended with homicide, established by Regulation II. of 1823, was more particularly intended to apply to cases in which the parties might resort premeditatedly to that mode of adjusting their disputes, and was not meant to apply to affrays arising on a sudden on some altercation or dispute between the parties, nor to assaults in which the assailed might resist the assaulters in their own defence, and it being deemed expedient to define the meaning and purport of Regulation II. of 1823, more particularly; the following rules have been passed, to be in force, from the time of their promulgation, throughout the territories immediately depending on the presidency of Fort William.

II. The minimum of punishment in cases of affray attended with homicide, established by Regulation II. of 1823, shall be considered to apply to such cases only, in which both parties may be found guilty of having had resort, by premeditation, to that mode of adjusting their differences, and shall not be deemed applicable to cases arising out of a sudden quarrel, in which no premeditated purpose of affray may be established, nor to assaults or other aggressions in which the assailed party may not be shown, by their previous preparation, or in any other way, to have been ready and intent to meet their adversaries in the field of combat; nor shall it be construed to apply to cases of affray attended with homicide, in which persons guarding and protecting crops, grain, or property in a legal manner, may be attacked by persons trespassing, or others, or who in legal and just defence of the property under their charge, may resist aggression in self-defence; in all which cases the circuit judges agreeing with the *futwas* of their law officers, shall pass such legal sentence as may be suitable to the offence of the several parties, the same as if Regulation II. of 1823, had no existence.

Preamble.

Minimum of punishment fixed by Regulation II. of 1823, to what cases applicable.



# A. D. 1828. REGULATION VII.



A REGULATION for amending the Provisions of Regulation XV. 1795, and for defining the Authority of the Raja of Benares in the *Mohauls* therein referred to.—  
PASSED by the Governor General in Council, on the 12th September 1828; corresponding with the 29th Bhadoon 1235 Bengal era; the 18th Bhadoon 1235 Fussily; the 30th Bhadoon 1235 Willaity; the 3d Bhadoon 1885 Sumbut; and the 1st Rubee-ul-Awal 1244 Higeree.

BY an arrangement concluded in the year 1794, with Raja Mahipnerain Sing, the administration of justice in the *jaghires* of Bhurdoee, Kera Mungrore, and that part of *pergunnah* Kuswar or Gungapore, which is the Raja's family *zemindaree*, so far as relates to matters connected with the revenue, was separately provided for, and in conformity thereto the courts of justice were restricted by Regulation XV. 1795, from taking cognizance of any such causes. The management of these *mohauls* was committed to the Raja, with a view to the maintenance of his honour and dignity, but it was to be conducted in concert with, and under the advice of, the collector, and with an appeal direct to the Governor General in Council; an arrangement, which was obviously intended to secure to the population the observance of the same principles of administration, and the same recognition of rights, by which the Government had engaged to adhere in its dealings with the rest of its subjects throughout the province. Inconveniencies, however, having been experienced, from the absence of specific rules, for the guidance of the Raja, in the exercise of the privileges thus conferred upon him, and the system having in other respects failed to accomplish the objects intended by it; the following provisions have been enacted, to be in force, throughout the whole of the *mohauls* in question, from the date of their promulgation.

II. Clause sixth, Section 17, Regulation II. 1795. Section 8, Regulation V. 1795, and Regulation XV. 1795, are hereby declared subject to the following modifications.

III. The superintendence of the *mohauls* above mentioned shall be vested in such officer as the Governor General in Council may, from time to time, by an order in council, appoint.

IV. The administration of justice, in all matters connected with the revenue, shall continue to be conducted through the agency of the Raja, under the restrictions herein provided, but the reservation of this privilege shall not be understood as divesting the population of any of the rights and interests connected with the occupation, possession, or transfer of land, whether by sale, gift, or inheritance, or the produce of it, which immemorially belong to them, and are enjoyed by similar classes throughout the rest of the province.

V. *First.* No *mosfussil* or detailed settlement having been formed within the *mohauls* in question by the authority of Government, the assessment of the land, and the settlement of the several villages comprised in them, shall be made through the channel of the Raja, who is to be guided in all matters relative thereto by the general rules in force within the province of Benares, applicable to such cases.

*Second.* In the selection of parties to engage, those individuals shall be considered entitled to preference, who, had a detailed settlement been extended to these *mohauls*, under the regulations of 1795, would have been recognized as *zemindars*. Such individuals shall be recorded, under the designation of *raees*, and the tenures so belonging to them, shall be considered heritable and transferable, subject to the conditions in regard to the payment of the *jumma* assessed upon them, and under which they may be admitted to engagements.

Preamble.

Clause sixth, Section 17, Regulation II. 1795, Section 8, Regulation V. 1795, and Regulation XV. 1795, modified.

The superintendence of Bhurdoee and other *mohauls*, constituting the family domain of the Raja of Benares, to be vested in such officer as the Government may appoint.

The administration of justice in matters connected with revenue to be conducted through the agency of the Raja.

Proviso.

A detailed settlement of the lands to be made by the Raja, under the general rules in force.

Rules for selecting the parties to be admitted to engage for the payment of the revenue.

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**agements.** When there may be no *raees* entitled to claim admission, or where the latter may refuse to engage on just terms, the settlement shall be made for a fixed period with farmers, unless the Raja should prefer making a *ryotwaree* settlement, and collecting the public dues, through his own officers, immediately from the *ryots*.

Rules for fixing the assessment of *malguza-ree* lands.

**Third.** The assessment of all lands not entitled to be considered rent free, under the rules contained in Regulation XLI. 1795, shall be fixed with reference to their produce and capability, as ascertained at the time when the revision of the settlement may be made. But the assessment shall not be raised above the amount heretofore paid, unless it shall clearly appear that the net profits derived from the land, by those who may be entitled to share in them, would, under the usage of the province, and the rules applicable to such cases, authorize the increase demanded.

Admission to engagements not to affect the rights or interests of co-sharers or other tenants excepting in so far as may be specially authorized.

**Fourth.** In admitting particular parties to engagements, such parties shall not be considered as invested with any rights over their co-sharers, or under-tenants, not previously possessed by them, excepting in so far as may be authorized by the regulations for realizing the public revenue; all questions therefore between *putteedars* and sharers, inheriting or claiming to inherit joint or distinct portions of a tenure, or the produce thereof shall, notwithstanding such admission, be considered open to adjustment on the principles observed in similar cases throughout the province, and all questions regarding the right to possession of *khoddkhast* and *chuppurbund* *ryots*, shall be adjusted on the same principles.

Points to be ascertained and recorded on the occasion of making or revising settlements.

**Fifth.** It shall be the duty of the Raja, on occasion of making or revising settlements of land revenue in any of the *mohauls* referred to in Regulation XV. 1795, to unite with the adjustment of the assessment, and the investigation of the extent and produce of the lands, the object of ascertaining and recording all material points connected with the rights, interests, and privileges of the various classes of his tenantry. His proceedings therefore shall embrace the formation of as accurate a record as possible of all persons found in possession of the soil, with a specification of the nature and extent of the interests respectively enjoyed by them. The record shall likewise specify the rates per *beegha* of each description of land, or kind of produce in every distinct village. All *lakheraj* tenures shall, at the same time, be carefully registered, with a detail of every particular connected therewith. The proceedings shall likewise contain the names of the *putwarees* and village watchmen, with a statement of the amount and nature of the allowance assigned to each.

And *lakheraj* tenures to be registered, with detail of particulars.

Rules for estates held in joint property.

**Sixth.** In cases where two or more persons may possess a joint property in any *mohaul*, or in the rent or produce thereof, or in cases where such property may be separately possessed by parties subject to common obligations, it shall be competent to the Raja, either to make a joint settlement with the parties collectively, or with a portion of them selected to undertake the management as village *malguzars*; due regard being paid to the wishes of the co-parceners, who, until regularly separated, shall continue to hold their lands as subordinate proprietors, subject to the payment of rent or revenue, at the rates and in the mode heretofore in use or otherwise provided for by the regulations for the province of Benares.

Responsibility of parties under engagements, and of the *putteedars* and sharers.

Disputes between them how to be determined.

**Seventh.** When parties enter into engagements, who do not possess the entire proprietary right, but may be elected as managers by the co-parceners in general, the non-engaging parceners shall not be held answerable for the default of those individuals, save and except the portion of rent or revenue demandable from them respectively. The rights and interests distinct or common of the *putteedars* or sharers, shall not be prejudiced in other respects by such engagements; and all disputes between the said sharers and the engaging proprietors, shall be determined according to what shall be ascertained to be the respective rights of the parties, agreeably to the principles of justice, and the laws, customs, and usages of the province.

Proprietary rights in the land may be transferred by sale, gift, mortgage, or otherwise.

**VI. First.** All proprietors of land in the province of Benares, being privileged to transfer to whomsoever they think proper, by sale, gift, mortgage, or otherwise, their proprietary right in the whole, or any portion of their respective estates, provided that such transfer be conformable to the Hindoo or Mahomedan laws, according to the religious persuasion of the parties, and to the regulations in force, it is hereby declared that all such assignments within the tracts, to which this enactment refers, shall be held equally valid,

## A. D. 1828. REGULATION VII.

subject to the conditions in regard to leases, and the allotment of *jumma*, prescribed by the regulations, provided always that the same be duly notified to the Raja, otherwise the consequences of omitting to make such notification on similar occasions to the collector, will, in like manner, attach to all such transfers; the rules and restrictions applicable to collectors being also applied to the Raja subject to the orders of the superintendent, who shall, in this behalf, possess and exercise the powers and authority of the Board of Revenue.

The same to be duly notified to the Raja.

*Second.* In all cases, either of transfer or inheritance, the Raja, on application being made for that purpose, shall proceed to record the mutation, and shall take such other steps for securing the rights and interests both of the public and of individuals, as the collectors are required to do on similar occasions in the Benares province.

In cases of transfer or inheritance, the Raja to record the mutation, on application, and to proceed as the collectors are required to do.

VII. The decision of the Raja, or his officers, on all points connected with the foregoing provisions, shall undergo the revision of the superintendent, to whom the whole of the proceedings on the settlement or transfer of any estate, shall be certified, and who, after calling for such further information as may appear necessary, shall confirm, modify, or annul the same as he thinks proper; and the orders thus passed by the superintendent shall be final, unless altered or set aside by the Governor General in Council.

The decision of the Raja on the foregoing provisions, subject to revision by the superintendent, whose orders to be final, unless set aside by Government.

VIII. The following rules are prescribed for the guidance of the Raja and his officers, in realizing the public revenue.

Rules of realizing the public revenue,

IX. The regulations at present in force within the province of Benares, for enabling proprietors and farmers of land to realize their rents with punctuality, for prescribing the process by which the revenue authorities are to collect the revenue payable to Government from the lands, for the imprisonment of defaulters, and for securing the ultimate recovery of arrears by a sale of the landed property from which it may be due, are hereby extended, as far as they may be applicable, to the tracts referred to in Regulation XV. 1795.

The regulations in force at Benares, for realizing the public revenues, extended to tracts, referred to in Regulation XV. 1795.

X. Exclusive of the powers vested in the Raja as *zemindar*, by which he may distrain and bring to sale, in the mode prescribed by the regulations, the personal property of under *zemindars*, farmers, *ryots*, or other description of landholders, for arrears of rent or revenue, he is hereby moreover authorized, as far as regards the collection of the same, to exercise the powers of a collector, as defined in the regulations, within the tracts in question, subject to such restrictions and responsibility as may be now or hereafter imposed by this or any future enactment.

The Raja authorized to exercise the powers of a collector as far as regards the collection of the revenues, exclusive of the powers vested in him as *zemindar*.

XI. Whenever it may be necessary to resort to the sale of lands for the recovery of arrears of revenue, or whenever a sale of lands may be required in satisfaction of the decrees of the courts of judicature, the sale shall be held in the presence of the Raja, or his deputy, either in the public *cutcherry* or such other open or convenient place within the *pergannah* to which the lands belong, as may be specified in the advertisement, and the course of proceeding directed in regard to sales by Regulation XI. 1822, shall be considered applicable, and the validity of such sales held contingent on the fulfilment of the several conditions therein specified.

Sale of lands for arrears of revenue, or under decrees of courts, to be held in the presence of the Raja or his deputy, and the rules of Regulation XI. 1822, to be observed in such cases.

XII. The whole of the powers, which are exercised by the Boards of Revenue over the collectors in regard to sales of land, as well as in all matters relative to the collection of public revenue, are hereby vested in the superintendent; and the Raja shall consider himself, in the exercise of the privileges with which he is intrusted, as standing in the same relation towards that officer, as the collectors at present stand towards the Board.

The powers exercised by the Boards of Revenue, in regard to sales of land and collection of revenue vested in the superintendent, and the Raja to stand in the same relation towards that officer, as collectors are towards the Boards.

XIII. From the orders of the superintendent, in all such cases, there shall be no appeal but to the Governor General in Council, and the civil courts are not competent to take cognizance of any complaint, from any party soever, contesting the validity of a sale, or claiming rights or interests connected with land, or the rents thereof, within the tracts in question.

From the orders of the superintendent, an appeal to lie to Government. Civil courts prohibited from taking cognizance of complaints relating to lands.

XIV. All complaints of a breach of the rules herein prescribed, for the guidance of the Raja and his officers, in the exercise of the powers thereby intrusted to them, or of unnecessary severity in the execution of them, are declared cognizable by the superintendent, who shall cause substantial justice to be rendered to the parties in the same manner as would have been done under the regulations, had such complaints been cognizable by the regular courts, provided only that when the offence alleged would authorize a criminal prosecution,

Complaints against the Raja and his officers, for breach of these rules, to lie to the superintendent.



If offence alleged be of a criminal nature, the complaint to be referred to the magistrate.

Certain offences to enforce payment of arrears of rent strictly prohibited, and to subject the offender to prosecution before the criminal court.

A native commissioner to be maintained by the Raja in each *pergunnah*, to take cognizance of revenue causes.

The nomination of the individuals will be made by the Raja, but the confirmation to rest with the superintendent.

The native commissioner not to be removed from office, and the Raja to act in cases of removal in concert with and by the advice of the superintendent.

The native commissioners liable to criminal prosecution for certain offences, and to fine and imprisonment on conviction.

Powers and authority of a native commissioner.

Rules for the guidance of the native commissioners.

#### Exception.

Native commissioners to execute their decisions, subject, in cases of appeal, to instructions of the superintendent.

The proceedings of the native commissioners subject to revision by superintendent, in cases appealed within six months.

Government empowered to supersede the order of the superintendent, if referred to.

Penalties for resistance of process declared applicable to cases under this regulation.

The revenue and judicial administration of the *mohauls* herein referred to, to be regulated according to the regulations, except when otherwise directed by this regulation.

the complaint shall be referred to the magistrate, who will proceed to the decision thereof under the regulations in the same manner as if it had been originally preferred to him.

XV. Torture, personal violence, and every description of corporal punishment to enforce the payment of arrears of rent or revenue, within the tract in question, are hereby strictly prohibited; and any one offending against this prohibition, shall, on the complaint of a person so punished, be liable to prosecution before the criminal courts, and shall be dealt with, on conviction, as the regulations require in such cases.

XVI. In order to secure for the inhabitants of these *mohauls* the administration of civil justice on the principles in force throughout the rest of the province, a native commissioner shall be maintained by the Raja in each of the *pergunnahs* referred to in Regulation XV. 1795, for the purpose of taking cognizance, in the first instance, of the revenue causes hereafter specified.

XVII. The nomination of individuals to the office of native commissioner will be made by the Raja, but previous to such appointments taking effect, he shall communicate what information he may have obtained regarding the age, character, and past employment of the individuals in question to the superintendent, who shall withhold his concurrence in cases of notorious bad character or incapacity, having regard, however, as far as possible, in the mode of doing so, to the Raja's honour and dignity.

XVIII. No native commissioner appointed under this regulation shall be removed from office without sufficient cause, and in all cases of removal, the Raja shall act in concert with, and by the advice of, the superintendent.

XIX. The native commissioners shall be liable to a criminal prosecution for corruption, extortion, or other gross misdemeanor, and on conviction before the court of circuit, shall be subject to fine and imprisonment, proportionate to the nature and circumstances of the case.

XX. Persons invested with the powers of the native commissioner, under this regulation, are authorized to receive, try, and determine, all suits preferred to them, against any inhabitants of their respective jurisdictions, relative to land of every description, or the rent, revenue, or produce thereof situated therein, provided the cause of action shall have arisen within the period of twelve years previously to the institution of suits.

XXI. In receiving, trying, and determining such cases, the native commissioners shall be guided by the rules contained in Regulation XXIII. 1814, and in points not expressly provided for in that regulation, they shall observe as nearly as may be practicable the rules prescribed for the guidance of the *zillah* and city courts, in the trial and decision of civil suits.

XXII. The rule, which prohibits native judicial officers from taking cognizance of cases, in which a British subject, or a European foreigner, or an American may be a party, shall not be held applicable to the native commissioners, appointed under this regulation.

XXIII. The decision of the native commissioners shall be executed by themselves, under the rules prescribed in the general regulations for the execution of decrees; provided however, that, if the case be appealed, the commissioners shall be guided by such instructions relative thereto, as he may receive from the superintendent.

XXIV. The proceedings of the native commissioners shall be subject to the revision of the superintendent, who, in the event of an appeal being preferred to him within the period of six months from the date of any such decision, will call for the papers, and after directing such further investigation to be held, as he may judge necessary, will confirm, modify, or annul the order or decision of the native commissioner, as may appear proper, provided always, that it shall be competent to the Governor General in Council to supersede the order of the superintendent, on being referred to by either party for that purpose.

XXV. The penalties prescribed by the regulations for resistance of process in revenue or judicial matters, are hereby declared applicable to all cases of the same nature, arising out of the process provided for by this enactment.

XXVI. It is hereby further declared and enacted, that except when otherwise directed by the foregoing provisions, the revenue and judicial administration of the *mohauls* herein referred to, shall be regulated by the principles and spirit of the existing regulations, and where those may not be applicable, by equity and good conscience.

## A. D. 1828. REGULATION VIII.



A REGULATION for enlarging the Powers of the Magistrates, with regard to the Offence of *Affrays*.—PASSED by the Governor General in Council, on the 16th October 1828 ; corresponding with the 1st Kautic 1235 Bengal era ; the 23d Assin 1236 Fussily ; the 2a Kautic 1236 Willaity ; the 8th Assin 1885 Sumbut ; and the 6th Rubee-us-Sanee 1244 Higeree.

**W**HEREAS with a view to the more effectual prevention of affrays, it has been deemed expedient to enlarge the powers given to the magistrates in punishing that offence ; the following rules are enacted by the Governor General in Council, to be in force, from the date of their promulgation, within the territories immediately subject to the presidency of Fort William.

Preamble.

II. Regulation I. of 1822, is hereby amended.

III. In the cases to which Regulation I. 1822, relates, viz. affrays unattended with homicide, severe wounding, or other aggravating circumstances, the magistrates shall be competent to punish the offender by imprisonment, with or without labour and irons, for a period not exceeding one year, and a fine not exceeding rupees two hundred, to be commuted if not paid, to a further period of imprisonment not exceeding one year, so that the whole period of imprisonment shall in no case exceed two years.

Regulation I. 1822, amended.

Extension of magistrates' powers of punishment.



## A. D. 1828. REGULATION IX.

A REGULATION for amending the Rules in Force in regard to special or second Appeals, instituted in *Formâ Pauperis*.—PASSED by the Governor General in Council, on the 27th November 1828; corresponding with the 13th *Aughun* 1235 *Bengal era*; the 6th *Aughun* 1236 *Fussily*; the 14th *Aughun* 1236 *Willaity*; the 6th *Aughun* 1885 *Sumbut*; and the 18th *Jumadee-ul-Awal* 1244 *Higeree*.

WHEREAS there is reason to believe, that the rule contained in Section 5, Regulation II. 1825, in consequence of its not having a retrospective effect, has operated to prevent, in some instances, the admission of special appeals from persons suing in *formâ pauperis*, the Governor General in Council has enacted the following rules, to be in force, from the date of their promulgation, throughout the provinces immediately subject to this presidency.

II. The rule contained in Section 5, Regulation II. 1825, is hereby declared applicable to any second or special appeals, which may have been instituted in *formâ pauperis*, but which may have been rejected, between the date of the promulgation of Regulation XXVIII. 1814, and of Regulation II. 1825, on the sole ground that paupers were not entitled, under Regulation XXVIII. 1814, to institute a second or special appeal in *formâ pauperis*.

III. The several courts of justice are hereby empowered and required, on application being made by the parties interested, provided such application be made within one year from the date of the promulgation of this regulation, to inquire into, and decide any second or special appeals of the above description, which may have been rejected exclusively on the ground stated in the foregoing section; any thing in the existing regulations to the contrary notwithstanding.

Preamble.

The rule contained in Section 5, Regulation II. 1825, declared applicable to second or special appeals, which may have been instituted in *formâ pauperis*, but rejected, between the date of the promulgation of Regulation XXVIII. 1814, and of Regulation II. 1825.

The several courts of justice empowered to inquire into, and decide such second or special appeals if preferred within one year from the date of the present regulation.



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TO

## THE REGULATIONS OF 1820.

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ARREARS OF RENT.  
CHANDERNAGORE AND CHINSURAH.  
COINAGE.  
COOLIES OR BEGAREES.

DHURNA.  
MAGISTRATES.  
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### SUBORDINATE HEADS OF THE INDEX TO THE REGULATIONS OF 1820.

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	Cl.	Regulation	Cl.		Cl.	Regulation	Sec. Cl.
1795.				1810.			
XXI. {	11	} Rescinded by .....	VII.	IX.	12	1st.	Partly rescinded .....
	12			1812.			
1797.				I.	9		Rescinded by .....
V.		Ditto ..		1818.			
1799.				XII.	{ 6	Extended .....	IV.
VIII.	6	Ditto .....			{ 3	2d. Amended by .....	4
1803.				1819.			
XLV. {	46	} Ditto .....	VI.		{ 8	1st. Extended by .....	I.
	47				{ 9	Ditto .....	
	48				{ 11	Ditto .....	
1804.				VIII.	{ 13	Ditto .....	
III.	9, 10	Ditto .....	VII.		{ 15	Ditto .....	
1806.					{ 17	Ditto .....	
XI.	3	1st. Rescinded partly by ..	III.				

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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
<b>ARREARS OF RENT.</b>				Sections 11. and 12. of Regulations XXI. 1795.—Regulation V. 1797.—Section 6, Regulation VIII. 1799.—Sections 9. and 10, Regulation III. 1804, and such provisions in the existing regulations relating to the offence of <i>dhurna</i> , rescinded. -----	VII.	2	
The rules of Regulation VIII. 1819, for periodical sales for the <i>zemindar's</i> arrears of rent, extended to other sales for rent. -----	I.	2	1st.	Magistrates how to proceed on charges of <i>dhurna</i> . -----	---	3	
Ten days' notice to be given by proclamation. -----	---	---	2d.	Mode of trial for <i>dhurna</i> before court of circuit. -----	---	4	
Sections 9, 11, 13, 15, and 17, Regulation VIII. 1819, extended to sales under this regulation. -----	---	---	3d.	What punishment for <i>dhurna</i> adjudicable by court of circuit. -----	---	5	
<b>CHANDERNAGORE AND CHINSURAH.</b>				Trials for <i>dhurna</i> , when referable. -----	---	4	
Regulations I. and XVI. of 1808, Regulation II. of 1808, and Regulation IX. of 1809, declared not to be in force. -----	II.	1		In what cases of <i>dhurna</i> magistrates may pass sentence, and to what extent. ----	---	7	
Magistrate of Hooghly empowered to receive into his custody certain persons, charged with the perpetration of heinous offences in Chandernagore and Chinsurah. -----	---	2	1st.	<b>MAGISTRATES.</b>			
Magistrate how to deal with such persons. -----	---	---	2d.	Reasons for enacting this regulation relating to military sentences. -----	IV.	1	
Not to pass sentence of punishment upon them himself. -----	---	---	3d.	Power of the magistrate to give effect to military sentences. -----	---	2	
Competency of the Calcutta court of circuit and the Nizamut Adawlut to take cognizance of such cases, and how to pass sentence. -----		3		What return of sentences under Regulation XII. 1818, to be submitted to courts of circuit. -----	---	3	1st.
Period from which the rules, contained in this regulation, are to have effect. -----		4		Power of courts of circuit to call for cases on review of such returns. -----	---	---	2d.
<b>COINAGE.</b>				Clause 2d, Section 3, Regulation XII. 1818, amended. -----	---	4	
Sections 46, 47, and 48, Regulation XLV. 1803, empowering individuals to tender copper for coinage at the mint at Futtehghur, rescinded by -----	VI.	2		In what cases of <i>dhurna</i> magistrates may pass sentence, and to what extent. ----	VII.	7	
<b>COOLIES OR BEGAREES.</b>				<b>TOBACCO.</b>			
Part of the provisions of Regulation XI. 1806, rescinded. -----	III.	---		Part of Regulation IX. 1810. rescinded. --	V.	2	1st.
The practice of pressing <i>begarees</i> prohibited. -----		3		Part of Regulation I. 1812, also rescinded. -----	---	---	2d.
<b>DHURNA.</b>				Tobacco, whether in leaf or in a prepared state, declared subject, on importation or exportation, to a custom duty of 4 annas per maund. -----	---	3	1st.
The offence denominated " <i>Dhurna</i> " explained. -----	VII.	1		And also a transit duty at the same rate. —Proviso, exceptions. -----	---	---	2d.
				The prescribed duty on tobacco to be paid and levied under the rules in force for the collection of Government customs, and any breach of them declared subject to defined penalties. -----	---	4	

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TO

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### ALTERATIONS, MODIFICATIONS, RESCISSIONS, EXTENSIONS, &c.

REGULATIONS ALTERED.			BY WHAT REGULATION.			REGULATIONS ALTERED.			BY WHAT REGULATION.		
Regulation	Sec.	Cl.	Regulation	Sec.	Cl.	Regulation	Sec.	Cl.	Regulation	Sec.	Cl.
1793. V.	6		Modified by -----	II.	8	1814.			II.	7	1st.
1795. IX.	—					XXIII.	45	3d. 4th. 5th.			
1803. IV.	—					XXVI.	15	6th. 7th. 8th. 9th.			
1807. IX.	20					XXIV.	8				
— {	21		Applied -----	—	5th.	XXV.	9		—	13	
— {	22					1816.	8	10th.			
1814.			Applied by -----	II.	3	XXII.	12	Part of 1st and whole of 2d.	—	6	1st.
XXIII.	13	2d. 3d.				—	—	1st.			
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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
<b>EXECUTION OF DECREES.</b>				Such law officers empowered to exercise the powers vested in assistants to magistrates under the regulations in force.—Exposition of the rules referred to in such cases.	III.	3	3d.
Petitions for the execution of civil decrees to be presented as heretofore.				Persons imprisoned under sentences of the law officers, not to be confined in irons or fetters, unless the magistrate considers such a measure necessary.	—	—	—
Modification of rules in force, which require that decrees passed by <i>sudder ameen</i> s and <i>mooniffs</i> , be executed under the orders of a city or <i>zillah</i> judge.	II.	7	1st.	Law officers to furnish the magistrates with monthly statements of decisions passed by them.	—	—	4th.
In cases when applications are referred by the judge to the register for the execution of <i>sudder ameen</i> s and <i>mooniffs</i> ' decrees, appeals from the register's orders allowed.	—	—	2d.	Foregoing rules applicable to <i>sudder ameen</i> s empowered, under Section 5, Regulation II. to try civil suits exceeding one hundred and fifty rupees; and to those appointed to the stations of joint magistrates.	—	4	—
By what officers the registers and <i>sudder ameen</i> s' orders are to be executed on such occasions.	—	—	3d.	Limitation of time for appeals from decision of assistants and <i>sudder ameen</i> s, and from the orders of the magistrates, to the courts of circuit; and, in what cases petitions of appeal may be received after the limited time.	—	5	1st.
Modification of rules in force which require the provincial courts of appeal to direct their decrees being executed by the city and <i>zillah</i> judges; and, in what cases the provincial courts of appeal are to execute their own decrees, as well as the decisions in appeal of the Sudder Dewanny Adawlut.	—	8	—	How magistrates are to be guided in calculating the period above adverted to.	—	—	2d.
<b>MAGISTRATES.</b>				Rules requiring that petitions of appeal against <i>chowkedaree</i> assessments fixed by <i>punchayet</i> be written on stamp paper, rescinded.	—	6	1st.
Nizamut Adawlut to report on qualifications of assistants to magistrates, in cases of accumulation of business in <i>zillah</i> and city courts.	III.	2	1st.	Magistrates and joint magistrates empowered to receive such petitions on unstamp paper.	—	—	2d.
Governor General in Council empowered to invest such assistants with the special powers described in clause the third of this regulation.	—	—	2d.	And to proceed on them as directed in clause first, Section 12, Regulation XXII. 1816.—Judges of circuit holding jail delivery, may report to Government any cases of improper assessment.	—	—	3d.
Information in such instances to be communicated to the magistrate, court of circuit, and Nizamut Adawlut.	—	—	3d.	Rules for preventing subjects of foreign states entering the British territories, under fictitious characters, for unlawful purposes.	—	7	1st.
Section 20, Regulation IX. 1807, modified, and additional powers vested in assistants to magistrates.	—	—	4th.	<i>Darogahs</i> empowered to detain such persons, and unless they receive a satisfactory account, may either report or send them to the magistrates.	—	—	2d.
Assistants to magistrates, in cases requiring a more severe punishment than that authorized by the preceding section, not to pass sentence, but submit their proceedings to the magistrates, who will decide according to the general regulations.	—	—	5th.	<i>Darogahs</i> how to proceed in cases where suspicion only attaches to such persons, although no sufficient cause for their detention exists.	—	—	3d.
Rules by which assistants are to be guided in deciding on cases thus referred to them.	—	—	6th.	Rules for the guidance of magistrates in the disposal of persons sent in by the <i>darogahs</i> .	—	—	4th.
Magistrates may recall cases referred to their assistants.	—	—	7th.	Landholders and others declared responsible for an early communication of the resort to their villages of suspicious persons.—Penalty to which they are declared liable, should they omit giving the required information.—Punishment to which <i>chowkedars</i> are declared liable in case of neglect of duty.	—	—	5th.
In cases of death, removal, or resignation of assistants vested with special powers, their successors not to exercise those powers, unless authorized by Government.	—	—	—				
The Governor General in Council declared competent to revoke the special powers intrusted to an assistant.	—	—	—				
Magistrates may refer petty complaints to their native law officers.	—	3	1st.				
And also cases heretofore referrible to assistants in the mode prescribed by the existing regulations.	—	—	2d.				

# INDEX TO THE REGULATIONS OF 1821.

	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
Governor General in Council declared competent to authorize a collector or other revenue officer, to exercise the powers of a magistrate or joint magistrate.	IV.	2		In the institution of a suit in a <i>zillah</i> or city court, a magistrate employed in the collection of revenue, not being himself in charge of the office of judge, shall proceed according to the regulations enacted for the guidance of collectors.	IV.	7	
Collectors and other revenue officers appointed to the discharge of magisterial duties of a magistrate, to take the prescribed oath.	—	3	2d.	Governor General in Council competent to cause such alterations in the limits of the several collectorships, and in the number of officers employed as collectors, as may, from time to time, appear expedient.	—	8	1st.
To be guided by the regulations and by the orders of the superior Courts.	—	4	—	Boards of Revenue and Commissioners empowered to depute officers subordinate to them, to exercise the powers of collectors, within such local limits as they may judge expedient.—Proviso, requiring a report of their having done so.	—	—	2d.
<b>MOONSIFFS.</b>	II.	1		Collectors authorized, with the sanction of the Boards, to delegate to their assistants any part of their duties to which they may be unable to give due attention.—Proviso in the event of a collector deputing his assistant.	—	—	3d.
Reasons for enacting this regulation.	—	2		An assistant to a collector to take the oath prescribed in Sections 25 and 26, Regulation V. 1803, previously to entering on his duties.	—	—	4th.
The provincial courts empowered to increase the number of <i>moonsiffs</i> on the recommendation of a city or <i>zillah</i> judge.	—	3	1st.	Assistants or other officers exercising the powers of collectors, to be guided by the regulations, and to be responsible for the performance of their duties, and amenable to the civil courts.	—	—	5th.
<i>Moonsiffs</i> empowered to try and decide on suits not exceeding one hundred and fifty rupees.—Proviso.	—	—	2d.	In what cases the Benares, Furruckabad, and Gohurshahee rupees are to be considered of equal value, and to be received and paid without allowance or any deduction on account of <i>batta</i> .	V.	2	
Prohibitions contained in clauses second and third, Section 13, Regulation XXIII. 1814, declared applicable to such suits.	—	—	3d.	Persons whose engagements are made in Tiroolee rupees, to be allowed a certain <i>batta</i> or per centage on payments in Furruckabad or Benares rupees.—Proviso.	—	3	
The payment of stamp duties and compensations to <i>moonsiffs</i> , how to be regulated.	—	—	4th.	Certain cases in which engagements for lapsed <i>mohauls</i> within the province of Benares, are to be made in Furruckabad rupees, and others in which the payment if expressed in Gohurshahee or Tiroolee rupees is to be converted into Furruckabad rupees.	—	4	
Rules in force regarding the decision of suits by <i>moonsiffs</i> , declared applicable to suits instituted under this regulation.	—	—		<b>SPECIAL COMMISSION.</b>	I.	1	
<b>PROVINCIAL COURTS.</b>				Reasons for enacting this regulation.	—	2	
The office of register of the provincial courts abolished, and their duties to be performed by the judges and officers attached to their respective establishments.	—	14		A special commission to be constituted for the purposes described in the preamble to this regulation.	—	3	1st.
<b>REVENUE.</b>				Specification of the claims cognizable by this commission.	—	—	2d.
Governor General in Council declared competent to invest magistrates, joint magistrates, and assistants to magistrates, with the powers of a collector.	IV.	2		In what cases sales of estates by public auction may be annulled.	—	—	3d.
Magistrates, &c. employed in the collection of the public revenue, to take a prescribed oath.	—	3	1st.	In what cases private transfers of estates may be annulled.	—	—	
Magistrates, &c. employed in the collection of the public revenue, to be guided by the orders of the Boards of Revenue and Commissioners, and by the rules and regulations of Government.	—	4	1st.				
Magistrates, &c. employed in the collection of revenue, and revenue officers exercising the powers of a magistrate or a joint magistrate, to preserve the records of their respective offices, separate and distinct.	—	5					
Such of the rules in force as declare collectors amenable to <i>zillah</i> and city courts, for acts done in opposition to the regulations, applicable to magistrates employed in the collection of revenue.	—	6	1st.				
Proviso in the event of such officer being himself the judge of the <i>zillah</i> or city in which the act may have been committed.	—	—	2d.				

# INDEX TO THE REGULATIONS OF 1821.

	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
In what cases of limited or conditional assignments of lands, the assigner may be restored to possession.	I.	3	4th.	Powers of the commission over <i>canongoes</i> and <i>mofussil</i> officers of account.	I.	9	
In what cases the special commission may investigate and determine the rights and interests of which individuals may have been deprived in any <i>mohaul</i> by the sale, transfer, or assignment of the interests of the <i>sudder malguzar</i> of such <i>mohaul</i> .	---	---	---	<i>Sudder</i> commission to be constituted.	---	10	1st.
Special commission further empowered to investigate claims for the recovery of land, or rights connected with land, the possession of which may have been lost without just cause, in consequence of the acts or proceedings of revenue officers.	---	---	5th.	Powers and functions of the <i>sudder</i> commission.	---	---	2d.
In cases adjudged by the special commission, the interests vested in the claimants to be distinctly defined.	---	---	6th.	All decisions of <i>mofussil</i> commission to be reported to the <i>sudder</i> commission, and the latter empowered to revise, modify, or annul such decisions.	---	---	3d.
As well as the interests of individuals in possession of the land in dispute, or of land included in the same <i>mohaul</i> .	---	---	---	Parties dissatisfied with decisions of <i>mofussil</i> commission may appeal to <i>sudder</i> commission.	---	---	4th.
The operation of the foregoing clauses extended to persons holding under a title derived from the person originally benefitting by the sale or transfer.—Proviso.	---	---	6th.	In cases of a difference of opinion between the members of the <i>mofussil</i> commission, a reference to be made to the <i>sudder</i> commission.	---	---	5th.
In what cases the commission are to endeavour to effect a compromise between parties.	---	---	7th.	Cases of peculiar importance to be certified to the <i>sudder</i> commission.	---	---	6th.
Compensation to be awarded by the commission in what cases.—Proviso.	---	---	---	Who will in such cases proceed in the same manner as in cases regularly brought before them in appeal.	---	---	7th.
The jurisdiction of the commission extended to cases already decided by the courts of justice, or depending before them.	---	---	---	Provision for cases in which the <i>sudder</i> commission may not agree in opinion, and the number of voices on each side may be equal.	---	---	8th.
Local jurisdiction of the commission to be from time to time, fixed by the Governor General in Council, and notice of the same how to be given.	---	---	8th.	In what cases the decision of the <i>mofussil</i> commission to be final.	---	11	1st.
Courts of justice how to proceed in suits before them, which may be cognisable by the commission.	---	4	1st.	In what cases an appeal to be admitted from the decisions of the <i>sudder</i> commission to His Majesty in Council.—Proviso.	---	---	2d.
Commission and fees in such suits how to be disposed of.	---	---	2d.	Questions connected with the jurisdiction of the commission how to be determined.	---	---	---
Form and nature of the proceedings before the commission, how to be regulated.	---	5	1st.	—Courts of justice not to interrupt or stay the proceedings of the commission.	---	---	3d.
Processes of the commission how to be issued and enforced.	---	---	---	The commissions to be guided generally by the principles of the regulations.	---	12	1st.
Decisions of the commission how to be executed.	---	---	2d.	Commissions may propose new regulations, or may submit rules for amending any part of the existing code in matters connected with the duties intrusted to them.	---	---	2d.
Native officers attached to the commission subject to what rules.	---	---	3d.	Oath to be taken by the members of the commissions.	---	---	3d.
Persons guilty of perjury or subornation of perjury to be punished under the regulations.	---	---	4th.				
And may be committed by order of the commission for trial before the courts of circuit.	---	6	1st.	SUDDER AMEENS.			
Courts and collectors to give their aid to the commission.	---	---	2d.	<i>Sudder Dewanny Adawlut</i> empowered to invest <i>sudder ameens</i> with authority to try and decide on original suits not exceeding five hundred rupees.	II.	5	1st.
If cases of doubt arise between the courts and the commission, the <i>Sudder Dewanny Adawlut</i> to decide, subject to the final orders of Government.	---	---	3d.	<i>City and shillah</i> judges authorized to refer depending civil suits to such <i>ameens</i> , provided the computed amount of each claim does not exceed five hundred rupees.—Exceptions.	---	---	2d.
	---	7	---	<i>Sudder ameens</i> to be guided by the provisions contained in Regulation XXIII. 1814, in deciding on claims exceeding one hundred and fifty rupees.—But to receive only a moiety of the institution fee, or the amount of the stamp duty in cases where the claim exceeds one hundred and fifty rupees.	---	---	3d.
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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
Certain clauses of Section 8, Regulation XXIV. 1814, declared applicable to such cases.	II.	5	4th.	ceedings at any place within the jurisdiction of the court to which they may be attached.—Proviso.	II.	10	2d.
Section 67, Regulation XXIII. 1814, modified, and <i>sudder ameen</i> s authorized to hold their <i>cutcherrces</i> at any place where a register may be stationed.—Proviso.	—	6	—	Pleaders of the courts exempted from the trial of summary suits when conducted at a distance from the fixed station of the judge or register.	—	—	3d.
Judge is authorized to refer to <i>sudder ameen</i> s, applications for execution of decrees passed by the <i>sudder ameen</i> s and <i>mooniffs</i> .	—	7	2d.	Those rules declared equally applicable to summary suits referred to the collectors.	—	—	4th.
By what officers the <i>sudder ameen</i> 's orders are to be executed on such occasions.	—	—	3d.	Modification of rules in force which direct that suits referrible to registers shall, in the first instance, be instituted in the courts of the judges.	—	11	1st.
Registers, when at other than the fixed station of the <i>zillah</i> or city court, empowered to refer to <i>sudder ameen</i> s, applications for execution of decrees passed by <i>sudder ameen</i> s and <i>mooniffs</i> .—Appeals from the <i>sudder ameen</i> 's orders to be made to the register.	—	12	—	Registers at others than the fixed stations of the courts may, in the first instance, receive original suits or appeals.	—	—	2d.
	—	4	—	How registers are to proceed on the receipt of such suits or appeals.	—	—	3d.
<b>ZILLAH AND CITY COURTS.</b>	—	9	—	Registers, when at others than the fixed stations of the court, authorized to receive applications for the execution of <i>sudder ameen</i> s and <i>mooniffs</i> ' decrees, and empowered to execute them, or to refer them for such purpose to the <i>sudder ameen</i> s.—Appeals from <i>sudder ameen</i> 's orders to be made to the registers.	—	12	—
<i>Zillah</i> and city judges to encourage the institution of regular instead of summary suits in certain cases.	—	10	1st.	Certain clauses of regulations, which authorize registers to receive fees on the amount of stamp duty on the decision suits, rescinded.—Registers declared not entitled to fees subsequent to the 30th April, 1821	—	13	—
Judges of <i>zillah</i> and city courts may refer summary suits of any amount to their registers, if they have been vested with special powers.—Proviso.							
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TO

## THE REGULATIONS OF 1822.



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Regulation	Sec.	Cl.	Regulation	Sec.	Cl.	Regulation	Sec.	Cl.	Regulation	Sec.	Cl.
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IX.	5, 6 13 25		Explained by -----	VIII.	—	XXVII.	17 5th. 19 29 31		Ditto -----	—	—
XIV.	26 27 28		Rescinded by -----	IX.	—	XXXII. XXXV. LII.	16		Partly rescinded by, --- Amended by ----- Explained by ----- Extended by -----	— I. VIII. VI.	— — — —
XXII.	3 24		Partly rescinded by ---	—	— 2d.	1805. VIII. 1808.	29		Extended by -----	—	—
XLIX.	16		Explained by -----	VIII.	—						
1795.			Amended by -----	I.	—						
V.	26 19 29		Rescinded by -----	III.	— 1st.	IX.	3, 6 7, 8, 10		Modified by -----	V.	— 1st.
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—	7, 31		Partly rescinded by ---	—	— 2d.	1810. IX. X.	6 4, 31		Partly rescinded by ---	II.	—
XVI.	4		Explained by -----	VIII.	—	1814. XVIII.			Rescinded by -----	XI.	— 2d.
1796.			Rescinded by -----	XI.	— 1st.	1816. I.			Ditto by -----	III.	—
V.			Partly rescinded by ---	—	— 2d.	1817. I.			Ditto by -----	—	—
XII.	28 29	2d. 3d. 4th. 5th.	Rescinded by -----	—	— 1st.	XVII. XXIV.	4 2, 3		Extended by ----- Rescinded by -----	IV. III.	7 2
1799.			Partly rescinded by ---	—	— 2d.	1819.	11 12 13 14 19 18 19		Applied by -----	VII.	19
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1800.						VIII.					
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1801.						I.	6		Enforced by ----- Applied by -----	VIII. IX.	2 —
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1803.											
VI.	5, 6		Explained by -----	VIII.	—						
XXV.	27		Rescinded by -----	III.	— 1st.						

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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
<b>COURT OF WARDS.</b>				contumacy in not surrendering on proclamation. -----	V.	2	2d.
Regulation LII. 1803, and part of Regulation VIII. 1805, extended to Benares; and the Board of Revenue for the central provinces constituted a court of wards for that province. -----	VI.	2		Option vested in the superintendent of police in such cases. -----	—	3	
The several courts of wards vested with a discretionary power to farm estates for ten years, or to adopt any other plan of management not involving a longer assignment. -----	—	3	1st.	Proclaimed persons when tried for contumacy and acquitted, declared liable to be tried <i>de novo</i> on the original charge, but not <i>vice versa</i> . -----	—	4	
Farms of lands heretofore made under orders from the court of wards, declared legal and valid, and to be so considered by the several courts of justice. -----	—	—	—	Explaining certain parts of Regulation XXII. 1793, XVII. 1795, and XXXV. 1803, nothing in existing regulations to empower magistrates to pass sentence, or commit for trial by the court of circuit, for offences committed out of their jurisdiction, except under authority of Government, or of the Nizamut Adawlut. If the offence charged be perpetrated beyond jurisdiction, the magistrate to send proceedings, parties, and witnesses, to the magistrate of the district in which it was perpetrated. But may suspend for special reasons, and refer the case to the Nizamut Adawlut for orders as to place of trial. Above rule not to interfere with Regulation V. 1809, and Section 6, Regulation I. 1822.	VIII.	2	
Farmers, &c. holding lands under the court of wards, declared subject to the same rules as are applicable to persons in possession of similar tenures under the collectors of revenue. -----	—	—	2d.	It shall be competent to the Governor General in Council to order a trial to be conducted at any station other than that of the district where the offence was perpetrated, and to issue orders to the magistrates for the purpose. Notice to be given to Nizamut Adawlut and court of circuit, who will be bound to proceed with the trial, &c. where ordered. -----	—	3	1st.
Courts of wards authorized to refrain from interfering with estates in cases when their interference may appear unnecessary.—Proviso, against the sale of a minor's estate for arrears.—Revenue officers may farm in such case, and court of wards competent to assume charge at any time during minority. -----	—	4		It shall be competent to the Nizamut Adawlut to order removal of a trial when the ends of justice, or convenience of parties, may be promoted thereby.—Official letter of the register, to be authority for the same. -----	—	—	2d.
<b>CRIMINAL JUSTICE.</b>				In case trial in a different <i>zillah</i> from that of perpetration be ordered by Government or Nizamut Adawlut, magistrates bound to conform to instructions of the authority ordering the same. -----	—	4	
Power vested in two or more judges of the Nizamut Adawlut, to pass sentence of acquittal, notwithstanding a <i>futwa</i> of conviction by the law officers of that court. -----	IV.	2		Above rules equally applicable to magistrates, joint magistrates, superintendents of police, &c. as to magistrates. -----	—	5	
How the judges are to proceed in cases when the heir of a slain or injured person may refuse to prosecute. -----	—	3		Declaration that in case a joint magistracy or the like be created, Government shall be competent to settle how and where its sessions of jail delivery shall be held. Notice to be given to the Nizamut Adawlut, who will carry the same into execution. -----	—	6	
How the judges are to proceed in the case of a prisoner who, subsequent to the perpetration of a crime and prior to conviction, may exhibit symptoms of derangement. -----	—	4		<b>EMIGRANTS.</b>			
Judges how to proceed in cases when circumstances occur which the law officers consider justificatory, and plead them in lieu of capital or discretionary punishment. -----	—	5		The rules contained in Regulation V. 1809, and Section 6, Regulation I. 1822, are declared applicable to foreigners, and others settling or residing for			
Courts of circuit and Nizamut Adawlut how to proceed in cases when prisoners, for certain offences, are declared by the law officers liable to <i>hukoomuti adal</i> only. -----	—	6					
The provisions contained in Section 4, Regulation XVII. 1817, extended to cases in which a <i>futwa</i> of the law officers may declare the legal punishment barred by doubts of the prisoner's sanity, when he committed the act charged.—Proviso. -----	—	7					
Sections 3, 6, 7, 8, 10, of Regulation IX. 1808, modified. -----	V.	2	1st.				
Proclaimed persons declared liable to be tried on the original charge, as well as							



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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
six months, within the Company's territories.	IX.	2		All questions regarding the application of the rules in matters connected with the tract of the country described in Section 2. of this regulation, shall be referrible to the Governor General in Council.	X.	9	
<b>GARROW MOUNTAINEERS.</b>				<b>GOVERNMENT CUSTOMS AND TOWN DUTIES.</b>			
Separating the tract of country comprised in the <i>thanas</i> of Gwalpara, Dhoobree, and Kurreebaree from the jurisdiction of the district of Rungpore, and declaring the operation of the existing regulations to be suspended, except so far as provided hereafter.	X.	—		Parts of Regulations IX. and X. of 1810 and other regulations, imposing restrictions on the appointment of officers for the collection of Government customs and town duties, rescinded.	II.	2	1st.
A civil commissioner appointed for the north east parts of Rungpore above described, vested with the powers of administering civil and criminal justice, the collection of revenue, and the superintendence of the police in the manner prescribed in this regulation.	—	3		Power reserved to the Governor General in Council to appoint any number of officers, being covenanted servants, to collect the duties of Government customs and town duties, and they to have the full power now exercised by collectors or deputy collectors.	—	—	2d.
Commissioner to exercise the functions of magistrate, and to have criminal jurisdiction in the trial and sentence of persons charged with offences to the extent of a circuit judge, but no <i>fatwa</i> to be required.	—	4	1st.	The Governor General in Council may vest any covenanted servant with part of the powers and authority now exercised by the collectors of customs and town duties.	—	—	3d.
Commissioner, and other officers acting under his control, shall ordinarily conform to the principles and spirit of the regulations applicable.—But shall obey and conform to all special rules and orders of Government.—Reservation to the Governor General in Council, of the power of regulating sundry matters connected with the commissioner's criminal jurisdiction.	—	—	2d.	The Governor General in Council alone shall be competent to pass orders in regard to the disposal of the proceeds of goods confiscated, or of the fines or penalties incurred by a breach of the custom regulations.	—	—	4th.
Proceedings in the trial of certain cases, to be referrible to the Nizamut Adawlut, before final sentence being passed by the commissioner.	—	—	3d.	<b>MAGISTRATES.</b>			
The Nizamut Adawlut how to pass judgment in such cases.	—	5		Regulations XLIX. 1793, XXVII. 1803, and V. 1809, amended.	I.	2	
Power of the commissioner in administering civil justice.—Suits exceeding in amount rupees 5,000, to be appealable to the Sudder Dewanny Adawlut.—Special appeal allowed if under 5,000 rupees.	—	6		Affrays punishable by the magistrates under certain restrictions.	—	3	
The process and form of trial in civil actions, between Garrows and the like, or in which one of the parties may be of this description, to be as prescribed by the Governor General in Council.	—	7		Rules for awarding punishment in such cases, not referrible to assistants.	—	4	
Rules under which the commissioner shall conduct the revenue duties in the tract of the country placed under his control. Proviso, declaratory of the competency of Government to separate tracts occupied by Garrows or the like from <i>zamindarries</i> , and to discontinue the levy of cesses or the like, giving compensation when justly due.	—	8	1st.	All cases of affray not punishable by the magistrates, to be disposed of as heretofore.	—	5	
No suit shall be entertained by any civil court within the tract of country subject to the commissioner, on account of acts done as above.	—	—	2d.	Magistrates vested with power to proceed in all offences committed by native subjects of Government out of the limits of the British provinces, in the same manner as in similar offences committed within those limits.	—	6	
				The <i>zillah</i> and city magistrates declared competent to give effect to sentences passed by the criminal courts in territories not subject to the operation of the general regulations.	IX.	3	1st.
				A warrant under the official seal and signature of the officer exercising criminal jurisdiction, declared to be a sufficient authority for the confinement, transportation, or punishment of a prisoner.	—	—	2d.
				In cases of doubt as to the legality of such warrant, or the competency of the officer by whom it may have been issued, a reference to be made to the Governor General in Council, and in the mean time, the prisoner to be detained in custody.	—	—	3d.

# INDEX TO THE REGULATIONS OF 1822.

	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
The rules in force for the treatment and security of prisoners confined in jails, declared equally applicable to the cases of prisoners confined under this section.	IX.	3	4th.	Subject to what deduction. No <i>malikana</i> allowance under this rule to be granted to <i>zemindars</i> , who may continue to occupy their lands under the farmer or Government officer. Nor without special sanction to <i>zemindars</i> making collection from the <i>ryots</i> . Provisions for the case of <i>malguzars</i> , not proprietors, or only part proprietors of the <i>mohauls</i> , for which they may have been under engagements.	VII.	5	2d.
REVENUE.				<i>Zemindars</i> may be called upon to state the <i>jumma</i> for which they may be willing to engage, and their <i>malikana</i> allowance may be adjusted according to the amount tendered by them. Or by the net revenue of the preceding year, if no tender be made.			3d.
This regulation to be in force in the ceded and conquered provinces, in the district of Cuttack, <i>pergunnah</i> Puttaspore, and its dependencies.	VII.	1		Revenue officers may revise settlements of estates, of which the existing leases shall be extended under Section 2, during the continuance of such extended lease.		6	
The existing settlement in the ceded provinces to be extended, in certain cases, for a further period of five years.	—	2	1st.	Revision of settlement how to be made.			1st.
So also the settlement in Cuttack.	—	—	2d.	Revision of settlement shall not operate to alter the amount of the <i>jumma</i> payable on account of lands included in existing engagements.			
Proclamations issued by the Revenue Boards and Commissioners, notifying the proposed extension of the settlement, sanctioned and confirmed—and <i>zemindars</i> failing to notify their intention to relinquish their lands under the said proclamations, shall be held responsible for the payment of the present <i>jumma</i> , during the ensuing five years.	—	—	3d.	But lands withheld from the knowledge of the revenue officers at past settlements, may be separately assessed.			
Goruckpore and Azimgurh excluded from the operation of the foregoing clauses. <i>Zemindars</i> of these districts to hold on from year to year, until a new settlement shall be made.	—	—	4th.	Revenue officers revising settlements, to exercise the same authority, in adjusting the relative rights of individuals, as they may exercise when assessing a <i>mohaul</i> open to re-assessment.			3d.
The existing leases in Puttaspore and its dependencies, to be similarly continued from year to year.	—	—	5th.	Collectors in the conquered provinces to revise settlements during the continuance of the existing leases.			4th.
General rule relative to <i>zemindars</i> holding on after the expiration of their leases.—Collectors authorized, with the sanction of the Board, to require <i>zemindars</i> to state, whether they are willing to continue their engagements. — <i>Zemindars</i> allowed to hold on, shall not be chargeable with additional revenue, excepting in certain cases.	—	—	6th.	When revisions of settlements are completed, prolonged leases to be granted in the ceded provinces, and in Cuttack, Puttaspore, and its dependencies, for years subsequent to 1234.		7	1st.
Settlement how to be made for farmed estates, for estates held <i>khas</i> , for estates of recusant <i>zemindars</i> : cases in which <i>zemindars</i> may be excluded from, or deprived of the management of their estates.	—	3		<i>Jumma</i> for years subsequent to 1231, how to be adjusted.			2d.
The admission of particular parties to engage for the payment of the public revenue, shall not bar the revenue officers from interfering to adjust the rights of other persons or <i>classes</i> . But if the profits of any <i>zemindar</i> be materially reduced by any order or decision of such officer, he shall be at liberty to relinquish his engagements.	—	4		<i>Pottahs</i> granted on revised settlements, only to cover lands specified.			3d.
Existing provisions relative to <i>malikana</i> and <i>naukar</i> , rescinded.	—	5	1st.	In conquered provinces likewise, renewed leases to be granted pending the present settlement, for a term of years subsequent to its expiration.			4th.
<i>Malikana</i> to be allowed to proprietors of estates farmed or held <i>khas</i> .				Cases wherein the final settlement of estates shall, after revision, be postponed until the expiration of the current leases.—Rules applicable to such cases.			5th.
How to be apportioned among several proprietors.				The same rules applicable to estates in Goruckpore, Azimgurh, Puttaspore, &c. as they may become open to resettlement.			6th.
Not to be less than five, nor without special sanction of Government, more than ten per cent. on the Government <i>jumma</i> .				Waste lands may be disposed of by Government, under what conditions.		8	
				Detailed investigations to be prosecuted by collectors, and other officers making or revising settlements.			

# INDEX TO THE REGULATIONS OF 1852.

	Regulation	Sec.	Cl.		Regulation.	Sec.	Cl.
Proceedings to embrace what particulars.				nature and conditions of the <i>sudder malgusars'</i> tenures to be declared.	VII.	10	8th.
How far to be binding on the courts of judicature.				Lands separately owned and occupied, though hitherto held as one <i>mohaul</i> , may be separately settled.—Joint property or properties, subject to a joint obligation, in what cases to be divided.	—	—	9th.
What cesses or collections to be held illegal.	VII.	9	1st.	Proprietors, though excluded from engagements, may have their names registered.	—	—	10th.
Collectors, and other officers making settlement, may grant <i>pottahs</i> to <i>mofussil</i> <i>domindars</i> and <i>ryots</i> .	—	—	2d.	Collectors forming such registry, to proceed on the basis of actual possession.	—	11	1st.
In what cases engagements for the revenue may be taken as heretofore, without a detailed <i>mofussil</i> settlement; such engagements not to be granted for a term exceeding five years, nor to bar intermediate revision.	—	—	3d.	In estates held under <i>puttedarees</i> , <i>bhyachara</i> , or the like tenure, collectors may, in certain cases, make a fresh allotment of the revenue and charges payable by the several parceners.	—	12	1st.
In cases where several persons holding interests of different kinds, may have separate properties in the same land, Government may determine which of such parties shall be admitted to engage for the public revenue. Provision to be made for the remaining parties. Government will also determine the manner and proportion in which the net rent or profit arising out of the limitation of the public demand, shall be distributed among the different parties possessing properties in lands settled in perpetuity or for a term of years.	—	—	—	And in certain cases may make a fresh partition of the land.	—	—	—
<i>Mofussil</i> settlements to be made in cases wherein the title of an intermediate manager between Government and the proprietors or hereditary occupants of the soil, may be maintained.	—	10	1st.	Cases wherein parties affected by collector's decision, may contest it in the <i>adawlut</i> : on what points decision of revenue officers to be conclusive.	—	—	2d.
Where several persons may hold a common property or properties, subject to a common obligation, the revenue officer may make a joint settlement with, or in behalf of, the parties collectively, or of a majority of them, or may select one or more to manage the <i>mohaul</i> as <i>sudder malgusars</i> .	—	—	2d.	Collectors shall not disturb possession, unless specially authorized.	—	13	—
When a joint settlement is to be made, parties how to be summoned.	—	—	3d.	Collectors making or revising settlements, may declare nature and extent of interests possessed by persons occupying land.—Where lands held in <i>puttedarees</i> , <i>bhyachara</i> , or the like tenure, collectors may decide disputes as to the extent of interest belonging to any parceners, and may enforce his decision, subject to an appeal to the <i>adawlut</i> .	—	14	1st.
Persons wilfully failing to attend when summoned, to be bound by the decision of the majority who may attend, and to be responsible for the revenue agreed to, unless otherwise specially provided.	—	—	4th.	Collectors shall not, under the above rule, take cognizance of claims to larger profits or more land than claimant may have hitherto enjoyed or held.	—	—	2d.
In cases in which any of the parceners object to the <i>jumma</i> assessed, the engaging parceners shall be deemed to be farmers of the revenue of the lands belonging to the recusants, if their engagements extend to such lands.	—	—	5th.	Decision of revenue officers to be maintained by courts, unless proved to be wrong in a regular suit. Courts not to interfere with apportionment of <i>jumma</i> or allotment of land made by collectors, excepting where the principle of collector's decision may be at variance with decree.	—	—	3d.
Proprietors cultivating lands, of which the revenue may be collected, <i>khas</i> or farmed, at what rates to pay rent.	—	—	6th.	In what cases collectors to take cognizance of complaints of wrongful dispossession, subject to an appeal to the <i>adawlut</i> .	—	—	4th.
When the settlement of a <i>mohaul</i> held in common tenancy, or subject to common obligation, shall be made with one or more of the parceners selected as manager or <i>sudder malgusar</i> , on what terms the other parceners are to hold;	—	—	7th.	The above provisions to what cases to apply, to what cases the rule shall not apply.	—	—	5th.
				In settling resumed <i>lakheraj</i> lands, collectors may take cognizance of claims to the property therein, and may give possession to parties appearing to have the best title, subject to an appeal to the <i>adawlut</i> by a regular suit.—The above rule not to extend to lands held under grants made by, or at the request of, proprietors.	—	15	—
				Governor General in Council may grant to collectors making or revising settlements, special authority to take cognizance of claims to the property and possession of land.	—	16	—

# INDEX TO THE REGULATIONS OF 1832.

	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
Collectors making or revising settlements, in what cases to take cognizance of claims to property in lands held <i>lakheraj</i> or at a <i>mocurrere jumma</i> , under valid tenures, and to make a settlement with the proprietors on behalf of the <i>lakherajdar</i> or <i>mocurreredar</i> .—Proviso, that an appeal to the <i>adawlut</i> shall lie in the question of right of property.	VII.	17		Collectors authorized to execute awards made by them.	VII.	23	3d.
Collectors to be the judges as to the question of jurisdiction.	—	18		Collectors authorized to depute native officers to make inquiries preparatory to settlement.	—	24	1st.
Collectors authorized to summon witnesses and require production of accounts.—To examine on oath or <i>hulufnamah</i> .—Proviso, that persons shall not be examined on oath on questions immediately touching their own interests.	—	19	1st	Resistance or obstruction of the process or order of a collector, how punishable.	—	—	2d.
Rules of Regulation II. 1819, applicable to processes issued by collectors under this regulation, also to <i>putwarees</i> and others summoned or examined in cases cognizable under this regulation, and to all other persons upon whom process may be issued.	—	—	2d.	Police officers to aid and support the execution of process and orders of collector.	—	—	3d.
Powers specified in Sections 11, 12, 14, 16, 17, 18, and 19, to be ordinarily vested in collectors making or revising settlements. But Governor General in Council may restrict powers to be exercised on any particular occasion. Like powers may be specially vested in collectors, though not engaged in making or revising settlements. Collectors may be similarly vested with special powers to try all suits regarding rent, or exaction of rent; the adjustment of accounts between landlord and tenant, their sureties and agents; and touching all matters connected with land; the rents or produce of land; the delivery of <i>pottahs</i> ; the violation of engagements; and generally all disputes between <i>sudder malkuzars</i> and farmers, and their tenants.	—	20	1st.	Parties in suits tried by collectors, may employ any <i>vakeels</i> or agents they think proper.	—	25	
Appointment of collector to exercise the above duties how to be notified. Governor General may fix by proclamation period for which collectors are to exercise judicial powers, under this regulation.	—	—	2d.	What pleadings to be required.	—	26	
Collectors shall not take cognizance of complaints specified in preceding clauses, unless preferred within one year.	—	—	3d.	Stamp paper to be used.	—	27	
Collectors, by what rules of practice to be guided, and what processes to issue.	—	21		Collectors may try and determine suits in any part of their districts.	—	28	
Sections 18 and 19, Regulation VIII. 1819, extended and declared applicable to cases tried by collectors under this regulation.	—	22		Decisions how appealable to Boards.—Board how to proceed on such appeals.—In what cases Board may direct a new trial, or interpose to correct neglect or delay.	—	29	1st.
Collector's <i>cutcheree</i> shall be held a court of civil judicature, and his decisions shall be deemed to be judicial awards.—Proviso.	—	23	1st.	What pleadings to be required in appeals to Boards.	—	—	2d.
	—	—	2d.	If the parties choose to employ in the pleading of such appeals the same agents or <i>vakeels</i> , who were previously employed by them in the original suit, no further <i>moklarnamah</i> or <i>vakalutnamah</i> shall be required of them.	—	—	3d.
				Respondents to receive notice, but not to be required to appear.	—	—	4th.
				Board's decision to be final as to the result of summary inquiry.	—	—	5th.
				But decision of Board and collector may be contested by regular suit in <i>adawlut</i> .	—	—	6th.
				Parties having claims cognizable by collectors, and not wishing a summary trial, may in the first instance bring a regular action in the <i>adawlut</i> .	—	30	
				On appeal to a court against a decision of a collector, the proceedings held by that officer shall be called for and filed in the case.	—	31	1st.
				No such appeal cognizable by, or referrible to any register, <i>ameen</i> , or <i>mooniffs</i> .	—	—	2d.
				Periodical reports to be furnished by collectors to Boards.	—	32	
				Collectors authorized to refer certain cases to arbitration.—Force of awards passed on such reference.	—	33	1st.
				Matter of arbitrament to be distinctly specified in collector's proceedings.	—	—	2d.
				<i>Canongoes</i> and <i>tehsildars</i> may be employed as arbitrators.	—	—	3d.
				Collectors in what cases to interfere of their own motion in cases of disputed possession, and to give possession to one of the contending parties.—Collectors may attach disputed lands, &c.	—	34	1st.
				Magistrates and joint magistrates in what cases to refer disputes to collector.	—	—	2d.
				Collector to encourage arbitration.	—	—	3d.
				Meaning of the term "Board of Commissioners, &c." as used in this and other			

# INDEX TO THE REGULATIONS OF 1822.

	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
regulations. Rules regarding collectors, to apply to any officer exercising authority of collector under orders from Government.	VII.	35		Two members necessary to appoint, remove, or punish officers of the Board, unless authorized by Government.	III.	5	4th.
Provisions of regulations rescinded.	III.	2	1st.	Single members when vested with separate authority, declared competent, to suspend any officer; but the order for such suspension, unless in special cases, to be reported to some other member of the board, who, if a majority agree, may set it aside.	—	—	5th.
Further provisions rescinded.	—	—	2d.	Board when applied to, may revise, rescind, and alter their decisions, provided that such applications be made within three months, or sufficient cause shown for delay.—Orders or decisions passed by a single member when vested with separate authority, not to be reversed or altered unless two or more members concur.	—	—	6th.
Bhaugulpore and Purnea, transferred from the jurisdiction of the Board of Commissioners for Behar and Benares, to the Board of Revenue, which is to be called "the Board of Revenue for the lower provinces."	—	3	1st.	Provision in cases when the members of the Board differ in opinion, and the voices on each side are equal.	—	—	7th.
The north and south divisions of Bundelcund, with <i>sillahs</i> Allahabad and Cawnpore, transferred from the Board of Commissioners in the ceded and conquered provinces to the Board of Commissioners for Behar and Benares, which is to be called "the Board of Revenue for the central provinces."	—	—	2d.	Certain parts of the existing regulations rescinded.	XI.	2	1st.
The remaining districts of the ceded and conquered provinces to continue, as heretofore, subordinate to the Board of Commissioners, which Board is to be denominated "the Board of Revenue for the western provinces."	—	—	3d.	Further provisions rescinded.	—	—	2d.
Power reserved to the Governor General in Council in appointing members to the Boards.	—	4	1st.	Rules rescinded or modified by the said rules or provisions, still to be repealed or modified as heretofore.	—	—	3d.
Sittings of the Boards ordinarily to be daily.	—	—	2d.	Declaration as to the liability of lands to public sale for arrears of revenue.	—	3	1st.
Boards to be guided in regard to the form of their proceedings, in cases where no special regulations exist, by the orders of Government.—Power reserved to Governor General in Council in fixing the <i>sudder</i> stations of the Boards.	—	—	3d.	Estates while under court of wards, not liable to sale.	—	—	2d.
Governor General in Council declared competent to authorize when necessary a single member of any Board to exercise all the duties vested in the Board collectively, and to authorize the several members separately to exercise at the same time such part of the duties as may appear requisite for the greater despatch of business or other cause.—Proviso, no single member to reverse or alter a collector's order, except authorized by Government; nor to reverse or alter a decree or order passed by any other member.—No settlements whether temporary or perpetual to be binding, unless confirmed by the Governor General in Council.	—	5	1st.	Joint-estates and estates under attachment, only to be sold at the end of the year.	—	—	3d.
Rule defining the course of proceeding, in cases where a difference of opinion may arise.	—	—	2d.	Further restrictions in regard to sale of lands may be exercised by Government and by Boards; and Government may annul sales at any time within three years, if made in contravention of such instructions.	—	—	4th.
A single member when vested with separate authority, declared competent to proceed in the same mode as the Board collectively are authorized, in regard to the appointment, removal, or punishment of collectors' native officers.—Proviso, in cases where a difference of opinion may arise.	—	—	3d.	Sales for arrears of revenue to be made by revenue officers, and not to be annulled except on ground specified.	—	4	
				Conditions necessary to validity of sales.	—	5	
				Collector desiring to sell, how to apply for the Board's permission.	—	—	
				Statement of lands for sale to be forwarded, with copy of notice.—Board how to proceed on receiving statement from collector.—Board may postpone sale, causing notice to be given of postponement.—Repeated postponement may be made by the Board.	—	6	1st.
				If alteration made in the <i>mohaul</i> to be sold, its <i>jumma</i> , or its place of sale, fresh publication necessary.	—	—	2d.
				Sales of land not liable to be annulled on ground of informality, or omission in communications between collectors and Boards, provided authority to sell have been given.	—	—	3d.
				In what cases collector may advertise, without previous reference.	—	7	1st.

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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
Notice of sale what to contain, and how to be issued.	XI.	7	2d.	Collector how to proceed on discovery of <i>benamess</i> purchase, before delivering possession.	XI.	19	
Copy of notice to be stuck up in <i>cutcherryes</i> of collector, and in court, and in office of Board.—Publication made on estate.—Manner of publication in <i>mofussil</i> .	—	—	3d.	After possession given, the purchaser shall not be ousted without suit in court.	—	20	1st.
What publication sufficient for validity of sale.	—	—	4th.	Process to be followed in case of <i>benamess</i> purchase discovered after possession given.	—	—	2d.
Course to be followed by the collector, in case the registered proprietor of an estate ordered for sale, be a native officer or soldier on the regular military establishment of this presidency.	—	—	5th.	Also where revenue officer may purchase.	—	—	3d.
What notice required in cases of postponement.—In what case fresh advertisement to be issued.	—	8	1st.	Collector how to proceed if purchase money be not paid in ten days; estate to be resold at risk of first purchaser.	—	21	1st.
What notice to be given in case of adjournment.—Proviso, for cases in which the bidding may have commenced.	—	—	2d.	Or restored to late proprietor.	—	—	2d.
Declaration as to the application of the above principles to past sales.	—	9		Purchase money how to be appropriated.—Responsibility of purchaser for the Government revenue from what time to commence.—Under-tenants not to pay any rent falling due after day of sale, without authority from collector.	—	22	
Before sale, arrears to be ascertained.	—	10	1st.	Arrears due to defaulter to be recovered by suit in the usual form, unless transferred.	—	23	
Provision for sales held at the office of the Board.	—	—	2d.	Collector to report sales to the Board, and not to give possession until confirmed.	—	24	1st.
Parties paying, or depositing amount demanded, may sue to recover.—Proviso.	—	—	3d.	Persons objecting to sale may petition the Board, who will allow time before confirmation.	—	—	2d.
Declaration as to arrears accruing under attachment, or during dispossession.	—	11		Board may annul sales; and their order in that case shall be final.	—	—	3d.
Sales to be made conformably with advertisement.—By whom, and where to be made, if at Board: and by whom, and when in <i>zillah</i> .	—	12		Sales may be contested by suit in court, though confirmed by Board, but shall not be set aside, except on plea urged to the Board.	—	25	
Every one's bid to be received, but before concluding sale, collector shall satisfy himself, 1st, that bidder can make required deposit; 2d, that he is not a person forbidden to purchase; 3d, that the ostensible purchaser is the real one.	—	13		Suit to be dismissed if failure of some condition of validity be not proved; but court may adjudge damages for irregularity or the like, and may certify cases of hardship to Governor General in Council, who may restore the former proprietor, compensation being made to purchaser in such cases: Proviso, for appeals in such cases so certified.	—	26	
What deposit to be made by purchasers.	—	14	1st.	Sale not to be contested by a party who has received any portion of the purchase money.—All parties interested may apply to have the excess of the sale proceeds lodged in Government securities.	—	27	1st.
If deposit not tendered when required, the lot to be again put up.	—	—	2d.	On sale being reversed, payment of the arrears due at the time of sale, with interest, to be the condition of resuming possession. Government to be answerable for the same interest on sums appropriated in payment of arrears, as may be recovered from the defaulters.	—	—	2d.
Persons failing to make deposit how punishable.	—	—	3d.	Rules for giving possession. Statements to be published at certain <i>cutcherryes</i> .—If further measures necessary, <i>zillah</i> judge to be applied to, and possession given as in case of decree.	—	28	1st.
In what cases collector may refuse to conclude a sale with highest bidder; collector in such cases to record the grounds of refusal; penalty for bidding by defaulter or <i>benamess</i> , if purchase be disallowed.	—	15	1st.	In cases of difficulty in giving possession from disputes regarding tenures or boundaries, or of other sufficient reason, Governor General in Council may appoint a civil servant commissioner to determine summarily the points at issue; such com-			
Persons whose purchase is disallowed by collector, may appeal to the Board.	—	—	2d.				
The term "defaulter" explained, to mean the person with whom settlement has been made by Government or his representatives.	—	16					
Sales not to be set aside on plea of wrongful disallowance; but defaulter, if aggrieved, may sue for damages.	—	17					
Collector how to proceed in the case of purchase by revenue officer.—Governor General may confiscate.—Purchaser may contest by suit in court.	—	18					

# INDEX TO THE REGULATIONS OF 1822.

	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
missioner to be, unless otherwise provided, a civil court, and to have jurisdiction as such. ....	XI.	28	2d.	if subsequently found disproportionate. —New allotment may be ordered by Government within ten years, as in case of <i>butwarra</i> s.—If the <i>jumma</i> allotted on sale of a portion of a <i>mohaul</i> be found too low, sale may be cancelled within ten years, if purchasers refuse to allow fresh allotment.—Government may award compensation to be paid by the party benefited by re-allotment. ....	XI.	34	
Disputes as to extent of purchase between purchasers and late proprietor, how to be settled. ....	—	—	3d.	No abatement of <i>jumma</i> to be made without the sanction of Government; and revenue authorities exclusively competent to take cognizance of questions touching the amount of assessment. ....	—	35	
Disputes between purchaser and a third party, as to extent of property conveyed by sale, how to be settled. ....	—	—	4th.	In case of a purchase by Government, the rules for <i> khas </i> management to be applicable. ....	—	36	
Declaration as to extent of right conveyed by sale, 1st, where an estate may be sold for arrears accruing on another <i>mohaul</i> ; 2d, where an estate may be sold in recovery of the revenue assessed upon it.—Proviso.—Persons claiming property in an estate advertised, on what conditions to get possession. ....	—	29		Collectors to have the power of punishing for contempt. ....	—	37	1st.
Under-tenures how affected by sale for arrears—Where such tenures may be derivative from defaulters. ....	—	30		Orders in such cases to be final, saving the power of control vested in the Boards and Government.— <i>Zillah</i> judges are to enforce the penalty ordered, in the same manner as if adjudged by a court. ....	—	—	2d.
Governor General in Council may reserve under-tenures. ....	—	31		Government not liable for errors of the courts of justice, whether revenue officers be or be not employed in executing the court's order. ....	—	38	
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The existing settlement in the ceded and conquered provinces, and in Bundelcund, extended, in certain cases, for a further period of five years.	IX.	2	1st	until the proceedings in both cases are completed.	VI.	2	1st.
<i>Zemindars</i> declining to continue their engagements for such period, to notify the same to the revenue authorities, on or before the 11th of October next.—On failing to do so, declared responsible for the payment of the present <i>jumma</i> during the ensuing five years; the <i>jumma</i> , in such cases, to remain unaltered.	—	—	2d.	On conviction of two or more charges, a magistrate may pass sentence of punishment to the extent authorized for one, if such punishment appears sufficient.	—	—	2d.
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Judge of circuit or Nizamut Adawlut, competent to direct the commitment of a person to whom pardon may have been tendered, if he shall not fulfil the conditions of the tender. -----	X.	5	1st.	<b>REVENUE DEFAULTERS.</b> Clause first, Section 28, Regulation V. 1812, rescinded, and the provisions which were annulled by that clause, to be again in force. -----	XII.	2	
Or to direct the magistrate or joint magistrate to tender a pardon, when they may judge it necessary. -----	---	---	2d.	<b>SPIRITUOUS LIQUORS</b> The retail sale of spirits, wines, and all kinds of fermented liquors, except under a collector's license, declared to be illegal, and subject to penalties. -----	VII.	---	1st.
Nizamut Adawlut may revise proceedings and annul the orders of magistrates, joint magistrates, and superintendents of police, when a pardon may have been improperly tendered. -----	---	---	3d.	Persons not being British born subjects, prohibited from constructing or working distilleries, and from selling spirits, wines, &c. without a license. -----	---	---	2d.
Assistants to magistrates not to exercise the powers conferred on magistrates and joint magistrates, under this regulation. -----	---	6		British born subjects, prohibited from constructing or working a distillery, at more than ten miles from Calcutta, and from retailing spirits, wines, &c. in any part of the country, without a license from the collector of the district. -----	---	---	3d.
<b>REGISTERS.</b> Registers may be empowered to investigate regular suits arising in any portion of any district, in which he may exercise the powers of joint magistrate. -----	III.	2	1st.	Such persons constructing or working a distillery in the European manner, within the limits above specified, to continue subject to the rules contained in Regulation II. 1802.—Proviso. -----	---	---	4th.
Provisions in the existing regulations applicable to such suits. -----	---	---	2d.	Distilleries to pay the prescribed still-head duty to the collector in charge of the <i>abkarce mohaut</i> .—Collectors, &c. authorized to exercise the powers vested by Regulation II. 1802, in justices of the peace. -----	---	---	5th.
Reports to be furnished by such registers to the judge of the <i>zillah</i> or city, within whose jurisdiction the suit may have originated. -----	---	---	3d.	Proviso, in cases where it may be deemed necessary to suspend the operation of particular rules: and power reserved to substitute such other rules as may, from time to time, appear expedient. -----	---	---	6th.
<b>REGISTER OF DEEDS.</b> The office for the registry of deeds to be established at the <i>sudder</i> station of the <i>zillah</i> or city court, superintended by the register.—If there be more than one register, by the register employed at the <i>zillah</i> station.—If the register be prevented from performing this duty by sickness, &c. may appoint a deputy, with approbation of the judge.—Deputy to be a covenanted servant, and must take an oath. -----	IV.	2		To what description of spirits the rules in force relative to a drawback or exportation, are to be considered applicable. -----	---	3	1st.
If register, vested with superintendence of his office, be absent from <i>sudder</i> station, and have not appointed a deputy, the judge authorized to appoint one. -----	---	3		Spirits manufactured within the foreign settlements prohibited from being carried out of the limits of such settlements, until the still-head duty shall have been paid. -----	---	---	2d.
Judge shall appoint a qualified person, being a covenanted servant, to act as register of deeds when, from a vacancy in an office of register, a deputy cannot be appointed. -----	---	4		Rate of duty to be paid to Government, by persons receiving a license for the retail sale of spirits manufactured at any European distillery. -----	---	4	1st.
If there be no qualified person at the station, the judge is authorized and required to perform the duty himself. -----	---	5		A retail duty to be paid on all spirits imported by sea. -----	---	---	2d.
Registry of deeds hitherto duly executed by other covenanted servant than the register, with the permission of judge, in the absence of register, equally valid as if executed by register. -----	---	6		And upon the retail sale of wines. -----	---	---	3d.
Deputy or acting register to receive fees.—Fees to be carried to the credit of Government, when the judge registers deeds, after defraying the necessary expenses of the establishment. -----	---	7		Retailers of wines or spirits, previous to receiving a license, to enter into engagements, and give security for paying the retail duty.—Penalty for any breach of such engagements. -----	---	---	4th.
				Prohibition against the wholesale vend of wines and spirits beyond the limits of Calcutta except by license. A fee to be paid for such license. -----	---	5	1st.
				The sale of less than two gallons of wines or spirits to be considered as a retail sale. -----	---	---	2d.



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License for the retail sale of spirits manufactured at or beyond the boundaries of the sudder distilleries to be granted as heretofore.—Proviso.	VII.	6		The existing penal rules declared applicable to all persons (British born and other-) who, without a license, shall retail spirits or wines, at any place distant more than 10 miles from Calcutta, and to all persons not being British born, who, without a license, may retail spirits at any place beyond the limits of Calcutta.	VII.	10	2d.
Such parts of the regulations in force as restrict the revenue authorities, in regard to the period for granting licenses for the manufacture and sale of spirits, &c. rescinded	—	7	1st.	Penalty on persons conveying away foreign or other spirits, not intended for private consumption, without a pass attesting the payment of the prescribed duties.—Proviso.	—	11	
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The existing rules for the recovery of arrears, due by the venders or manufacturers of spirits, &c. declared equally applicable to the farmers of duties and their sureties.—Proviso, entitling the farmers of duties to enforce the payment of arrears due to them.	—	—	2d.	Informers entitled to a moiety of the fine on the conviction of a native officer.—Penalty in such cases, where the conviction originates in malice, &c.	—	14	
Licenses or leases for more than five years declared invalid, unless sanctioned by the Governor General in Council.	—	9	1st.	Churruas allowed to be retailed under the same rules and restrictions as gunja, &c.	—	15	
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				Mode of proceeding to be observed on such occasions.	—	—	2d.
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Calcapore.—See Settlement of Chinsurah.  
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## ALTERATIONS, MODIFICATIONS, EXTENSIONS, RESCISSIONS, &c.

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173.						18 15.					
IX.	59		Rescinded by .....	XII.	5 1st.	IV.			Partly rescinded by ...	XV.	2 1st.
XXXI.			Explained by .....	X.		1816.					
XXXVII.			Modified by .....	XIII.		X.			Rescinded by .....	—	2d.
XLV.			Modified by .....	VII.	2	1817.					
1795.						IV.	2		Rescinded by .....	XXI.	—
XX.			Modified by .....	—	1st.	X.			Applied by .....	—	4
XLII.			Modified by .....	XIII.	5	XV.			Partly rescinded by...	XV.	2 1st.
1796.						XXI.	5		Applied by .....	—	3
II.	19		Modified by .....	XX.	2 1st.	XXI.	8		Modified by .....	XVI.	2
1798.						XXVII.			Modified in part by ...	III.	—
III.	6		Partly rescinded by ...	XVII.	3	XX.	25 7th.		Applied by .....	I.	3 2d.
1803.						1818.					
VI.			Modified by .....	XX.	2	VIII.	5		Applied by .....	IV.	—
VII.	28		Rescinded by .....	XII.	5		6		Explained by .....	—	5
XXVI.			Modified by .....	VII.	2	1819.					
XXXVI.			Modified by .....	XIII.	5	II.	26		Modified by .....	XIV.	6
XXXVII.			Explained by .....	X.			5, 6, 8, 10, 11				
1804.							13		Ditto ditto by .....	IX.	5
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1806.							30				
XV.			Modified by .....	XX.	— 1st.	IX.	2 2d.		Rescinded by .....	II.	4 1st.
1810.						1820.					
IX.	39		Explained by .....	IX.	7	II.			Partly rescinded by...	XVIII.	10
—			Partly rescinded by ...	XV.	2	V.			Ditto ditto by .....	XV.	2
XX.			Explained by .....	XX.	4	1822.					
1811.						VII.	9 to 35		Extended by .....	IX.	—
III.			Partly rescinded by ...	XV.	2 1		23		Applied by .....	—	5 9th
1813.							25				
XII.			Ditto Ditto .....	—	—	1823.	28				
1814.						II.			Partly rescinded by...	XII.	2
XXVI.	4	2d.	Partly applied by ...	II.	—	V.			Ditto ditto .....	XV.	— 1st.
—	15	8th.	Explained by .....	VII.	7	1825.					
XXVIII.			Extended by .....	II.	5	III.			Rescinded by .....	XVI.	—
—			Applied by .....	—	2						

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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
<b>ALLUVION AND DERELICTION.</b>				mercial transactions in partnership with others, and partnership concerns now existing to be dissolved, on or before the 31st December, 1826.	X.	2	
Claims and disputes relative to alluvial lands to be decided by immemorial and definite usage, when such shall be clearly recognized and established.	XI.	2		But are not forbidden from becoming members of insurance companies, or contributors to a confine, or parties in any general association.	—	3	
Where no such local usage may be established, the claims to be decided by the rules declared in the following sections.	—	3			—	3	
Lands gained by gradual accession from the recess of a river or the sea, to be considered as an increment to the tenure of the person to whose estate it may be annexed.—Proviso.	—	4	1st.	COMMISSIONER OF KUMAON. Part of Regulation IV. 1817, rescinded, and the Deyra Doon to be in future annexed to the jurisdiction of the commissioner of Kumaon.	XXI.	2	
When a river, by a sudden change of its course, may break through and intersect an estate, the lands so separated, being clearly recognized, shall remain the property of the original owner.	—	—	2d.	<i>Pergunnah</i> Chandnee to be in future subject to the authority of the commissioner of Kumaon.	—	3	
<i>Churs</i> or islands thrown up in a large and navigable river, the channel between the islands and the shore not being fordable, to be at the disposal of Government.	—	—	3d.	The provisions of Regulation X. 1817, declared applicable to the Deyra Doon, and to <i>pergunnah</i> Chandnee, and all other regulations to cease to have effect in those tracts of country.	—	4	
—But if fordable, to whom they shall belong.	—	—	4th.	COURTS OF CIRCUIT. Part of Section 8, Regulation XVII. 1817 modified.	III.	2	
Claims to <i>churs</i> , &c. &c. thrown up in small and shallow rivers, how to be determined.	—	—	5th.	Courts of circuit empowered to pass final sentence in certain cases of robbery, without a reference to the court of Nizamut Adawlut.	—	3	
Disputes relative to lands gained by alluvion or dereliction of a river or the sea, not provided for by the provisions of the present regulation, how to be adjusted.	—	—		Rescinding the rules which authorize courts of circuit to adjudge corporal punishment by stripes in cases of affray.	XII.	2	
Encroachment on beds of navigable river, and other obstructions to their free navigation, prohibited.	—	5		No female to be hereafter sentenced to corporal punishment by stripes by any of the courts of criminal justice.	—	3	
<b>CANOONGOES.</b>				The use of the <i>corah</i> , as an instrument of punishment, prohibited in all cases, and the ratan to be used in its stead.—The term <i>corah</i> in the regulations to be changed to ratan.	—	4	
Under certain circumstances <i>minhyedars</i> and their heirs may be continued by Government in possession of resumed lands heretofore held as <i>lakheraj</i> tenures by <i>canoongoes</i> .—Subject to assessment.	XIII.	2		Corporal punishment by ratan, for contempt of court in the courts of circuit, prohibited.	—	5	1st.
—Restriction on parties claiming <i>zemindares</i> interest or other proprietary right, who are prohibited from disturbing the possession of <i>minhyedars</i> whose possession has been sanctioned by Government.—Proviso.				Persons guilty of contempt of court, in any of the criminal courts, to be liable to a fine, commutable, if not paid, to imprisonment in the civil jail.	—	—	2d.
The tenures of <i>minhyedars</i> so situated, declared to be hereditary and transferable; but should they escheat to Government, the parties possessing <i>zemindares</i> interest, will be admitted to engage for the revenue, subject to a fresh assessment.				Rule to be observed on the occurrence of wilful contempts in the courts of the <i>sudder ameen</i> and native law officers.	—	—	3d.
The principles of the above sections to be applicable to all cases of <i>lakheraj</i> resumptions coming within certain rules.				The foregoing rule of commutation of fine to imprisonment, to be also applicable to all the civil courts.	—	6	1st.
Modifications of former regulations relative to the settlement of resumed <i>jaghire</i> , <i>altumgha</i> , <i>muddudmaash</i> , <i>ayma</i> , or other <i>badshahce</i> grants, and to the resumption of the <i>lakheraj</i> tenures.				Extended to the civil courts of the <i>sudder ameen</i> and <i>moonstiffs</i> , with certain restrictions.	—	—	2d.
<b>COMMERCIAL RESIDENTS.</b>				The courts of circuit declared competent to pass final sentence, and carry the same into execution without a reference to the Nizamut Adawlut, in all cases of culpable homicide not amounting to wilful murder, and in certain other cases.	—	7	1st.
Commercial residents and their assistants prohibited from engaging in any com-				In what cases a reference may still be made to the Nizamut Adawlut.	—	—	2d.



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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
In trials referred to the Nizamut Adawlut, the final sentence of death to be in future passed, by at least two concurrent judges, instead of a single judge. -----	XII.	8		Summary decision passed by judges or registers, appealable to the provincial courts. -----	VII.	3	5th.
Certain regulations, relative to the punishment of the crime of robbery, rescinded or modified by the present regulation. -----	XVI.	2		How judicial officers are to proceed, in cases where claims are made to the advertised property, or objections made to the sale of it.—Provided such claim or objection shall not have been designedly delayed.—But should the claim be urged, with a fraudulent design, the sale is to proceed, and the claimant left to prosecute in the civil court. -----			6th.
Judges of circuit empowered to pass sentence upon persons convicted of robbery in certain cases without reference to the Nizamut Adawlut. -----	—	3	1st.	In all cases of the sale of property, the bidders shall be apprized, that nothing is guaranteed to them beyond the rights and interests of the individuals answerable for the amount of the decree. -----			7th.
The judges of circuit shall not be competent in certain cases to pass sentence for a less punishment than 14 years' imprisonment in banishment.—The judge of circuit may refer the trial to the court of Nizamut Adawlut, for a mitigation of the sentence. -----	—	—	2d.	The provision contained in the foregoing clause, declared applicable to all public sales of land, made by collectors or other revenue officers, in execution of decrees of the courts of judicature or other judicial process. -----	—	4	1st.
DUTIES AND DRAWBACKS.				The courts how to proceed, when a sale of landed property cannot be effected without a reference to the revenue authorities. -----	—	—	2d.
Rescission of existing provisions. -----	XV.	2	1st.	The Board of Revenue to instruct the collector of the district in which the lands may be situated, to select for sale any part of them, which may appear most convenient. -----	—	—	3d.
Ditto, -----	—	—	2d.	In the event of any claim or objection against the sale, the collector shall communicate the same to the court, and shall be guided by the instructions he may receive. -----	—	—	4th.
Certain provisions to continue rescinded or modified. -----	—	—	3d.	In cases where objections are communicated by collectors, or claims preferred to lands ordered for sale, the judge, &c. to institute a summary inquiry, and, if requisite, to instruct the collector to postpone the sale.—Such postponement to be held unnecessary, if the claim has not been preferred within a reasonable period. -----	—	15	5th.
Imports by sea, to be charged with duties specified in Schedule No. 1, annexed to this regulation.—Proviso. -----	—	3	1st.	All judicial authorities, who may have ordered sales of lands by revenue officers, empowered to declare such sales null and void, and to order a re-sale, if, on summary inquiry, any material irregularity be satisfactorily established.—Proviso, in certain cases, the purchase money to be returned, with or without interest. -----	—	5	1st.
Re-exports to be allowed a drawback, as specified in Schedule No. 2. -----	—	—	2d.	Summary decisions passed under this section, appealable to the provincial courts. -----	—	—	2d.
Duties chargeable and drawbacks allowed on articles, the produce and manufacture of the country, when exported by sea, to be regulated by Schedule No. 3. -----	—	—	3d.	The civil courts may require the aid of the collectors in the enforcement of decrees, relating to <i>malgusares</i> land, whenever it may appear conducive to their complete and speedy execution. -----	—	6	
EXECUTION OF DECREES.				Clause eighth, Section 15, Regulation XXVI. 1814, explained, and the several courts empowered to require security for			
Parts of the regulations in force, relating to sale of lands in satisfaction of decrees of courts, explained and modified. -----	VII.	2	1st.				
Sales of houses, gardens, orchards, and small portions of <i>lukheraj</i> land, in execution of decrees, to be conducted under the authority of the judicial officers. -----	—	—	2d.				
The sale of landed property, under a judicial process, to be conducted under the same forms as sales of personal property. -----	—	—	3d.				
The same officers to be employed in the sale of houses, &c. as in the sale of landed property. -----	—	3	1st.				
A proclamation to be issued thirty days previously to the sale of such property.—How such proclamation is to be made and notified. -----	—	—	2d.				
The usual processes for attachment and sale may be issued simultaneously.—No sale to take place without the specified proclamation being made, and any material irregularity will render the sale liable to be declared invalid, if a petition on stamp paper be presented within one month after the sale. -----	—	—	3d.				
In cases where sales are annulled, and no collusion appears, the purchaser to have his purchase money returned, with or without interest, as may appear proper. -----	—	—	4th.				

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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
making good decrees, or, in failure thereof, to cause an attachment of property.	VII.	7		dar, or other person who held rent-free lands under a temporary, or conditional tenure.—In such cases, parcels of land so held, to follow the condition of the principal tenure.	XIV.	3	2d.
<b>JUDGES AND COLLECTORS.</b>				The proof of the title to rest with the persons claiming to hold or recover the <i>lakheraj</i> tenure.	—	—	3d.
The official acts of all public officers, who, under competent authority, have heretofore exercised the united powers of judge and collector, or register and collector, declared to be legal and valid.	V.	2		One or more successions to any tenure, previous to the periods above specified, not to establish a title of inheritance, unless it be of a hereditary nature.	—	—	4th.
Power reserved to the Governor General in Council to vest the whole or any portion of the jurisdiction of a judge or a collector of revenue in the hands of the same officer.	—	3	1st.	The courts of judicature and revenue authorities, shall not recognize any potentate or authorities, save the persons described in this clause, to have been vested with supreme power.	—	—	5th.
Proviso, precluding a judge in such cases from trying claims preferred by individuals, for acts done by him in his capacity of collector.—Such claims to be cognizable by the provincial court of the division, under the rules in force.	—	—	2d.	Conditions requisite to establish the validity of grants made by the Kings of Delhi, or other of the authorities above specified.	—	—	6th.
<b>JUDICIAL OFFICERS.</b>				Specification of the periods, at which the several provinces, subordinate to the presidency of Fort William, were acquired by the British Government.	—	—	7th.
Judicial European officers empowered to superintend, in person, the execution of their own process, and to adopt such legal measures, on the occasion, as may appear necessary.	I.	2		Conditions necessary to the validity of grants, not made or confirmed by the supreme power.	—	—	8th.
The powers vested by the existing regulations in police officers, for the service of process, under the seal and signature of police <i>darogahs</i> , declared applicable to all officers intrusted with the execution of process in criminal cases, under the seal and signature of judicial European officers.	—	3	1st.	Certain questions regarding <i>lakheraj</i> tenures, resumed previously to the acquisition of the country by the British Government, to be decided by the Governor General in Council.—Further questions to be referred to the Governor General in Council.	—	—	9th.
The punishment prescribed by clause seventh, Section 26, Regulation XX. 1817, in cases of abuse of official duty, declared applicable to all police officers and others employed to execute a warrant, or other process.	—	—	2d.	The present regulation not to be applicable to lands, not exceeding ten <i>bengahs</i> , the produce of which is appropriated to religious or charitable purposes.	—	4	
<b>LAKHERAJ TENURES.</b>				Decisions passed before the promulgation of the present regulation, in opposition to the principles declared, shall be open to revision in the court wherein the case was decided, and to appeal.—Proviso—Modification of Section 26, Regulation II. 1819.	—	6	
<i>Lakheraj</i> tenures declared not to be valid, except when granted or confirmed under the sanction of Government, or confirmed by a competent court of judicature, in a suit regularly tried and decided, or by a Revenue Board, acting under special rules in a judicial capacity.—Right of Government to assess <i>lakheraj</i> lands, not barred by resolutions or orders of certain officers and authorities, except as above excepted.	XIV.	2		<b>MILITARY COURTS MARTIAL.</b>			
Rules for trying the validity of grants, made by persons previously to the acquisition of the country by the British Government.	—	3	1st.	European British subjects, being persons attached to the army, serving within certain limits, when apprehended by magistrates, on charges of a criminal nature, to be delivered over to the commanding officer of the corps to which they may belong.	XX.	2	1st.
<i>Lakheraj</i> tenures of which uninterrupted possession shall have been held exempt from assessment at and after certain dates, to be held valid.—And in certain cases continued to heirs.—Proviso, in case of a derivative tenure from a <i>jaghire</i>				Magistrates, on application made to them by a commanding officer, to assist in the apprehension of all persons amenable to trial by court martial, when accused of criminal offences.	—	—	2d.
				Magistrates required to enforce processes for attendance of witnesses, &c. before courts martial, on application made to them.	—	—	3d.

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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
Magistrates prohibited from inquiring into charges of a criminal nature, preferred against British subjects, when attached to the army, within certain limits, and who may have already been tried by a court martial for the same.— <b>Provide</b> , for cases in which the magistrates shall have duly ascertained, that the accused neither has been, nor will be tried by a court martial. ....	XX.	2	4th.	private trust, relating to their personal concerns. ....	VIII.	2	2d.
Magistrates will proceed, as heretofore, against British subjects, accused of criminal offences, when such persons are not attached to the army, or amenable to trial by court martial. ....	—	—	5th.	Any native officers in the judicial department, who may be disqualified from public employment, under the prohibitions referred to in the preceding section, to be immediately removed from office.—Any neglect of the above requisition will subject the party to the same penalty as that specified in the preceding section. ....	—	3	
These provisions not to apply to troops in Fort William, or stationed at any other place, which is not situated above one hundred and twenty miles from the presidency. ....	—	—	6th.	In all future nomination of native officers, the judges and magistrates are to state to the provincial courts that the person so nominated is not disqualified under the provisions of the present regulation.—Duty of the provincial courts to enforce the due observance of the above rules, and to report to the courts of Sudder Dewanny and Nizamut Adawlut, any wilful infringement of them. ....	—	4	
Provisions of Regulation XX. 1810, or other regulations in force, declared not applicable to debts due from British subjects, attached to the army.—Such debts and actions, provided for by Section 37, of Stat. IV. Geo. IV. Cap. LXXXI. ....	—	3	1st.	The Court of Sudder Dewanny Adawlut and Boards, or other authority, declared competent to punish, after due investigation, persons preferring unfounded malicious charges against European public officers. ....	—	5	1st.
Certain powers, heretofore vested in the magistrates, in the cognizance of debts due by British subjects, declared no longer in force. ....	—	—	2d.	The court of Sudder Dewanny Adawlut, to issue the necessary instructions to the proper officer for the execution of orders passed under the above clause.—Similar orders of the Board of Revenue and Board of Trade, or other authority, how to be executed. ....	—	—	2d.
British subjects attached to the army, still amenable to local courts for debts exceeding four hundred rupees. ....	—	—	3d.	In what manner persons preferring, on oath, false and malicious charges against European public officers, may be proceeded against. ....	—	6	
To what extent the provisions of Regulation XX. 1810, Section 22, will still remain in force. ....	—	—	4th.				
Course to be followed in case of a witness refusing to be sworn before a military court.—Inquiries to be made by the magistrates and joint magistrates. ....	—	4					
NAZIM OF BENGAL.				ORIGINAL SUITS AND APPEALS.			
The agent to the Governor General at Moorshedabad, may institute suits in the civil courts on the part of the Nazim of Bengal. ....	XIX.	2		Such part of the second clause of Section 4, Regulation XXVI. 1814, as directs, that petitions for review of judgment shall be written on stamp paper of a prescribed value, declared applicable only to petitions presented within a certain period.—After which period they are to be written on the stamp paper prescribed by Section 13, Regulation I. 1814; but in case the petitioner be a pauper, the provisions of Regulation XXVIII. 1814, are declared applicable. ....	II.	2	1st.
When suits may be instituted against the Nazim, the notice is to be served on the agent, who will defend them. ....	—	3		Petitioners, whose petitions may be rejected, not entitled to receive back the amount of the prescribed stamp paper duty; but the courts empowered, in special cases, to order a refund of any portion not exceeding three-fourths of it. ....	—	—	2d.
The Nazim and the agent to the Government exempted from furnishing security and from process of attachment.—Order and decrees of the civil courts, in such suits, how to be executed. ....	—	4		Courts empowered to impose a proportionate fine, in cases where petitions are found to be groundless or litigious. ....	—	—	3d.
NATIVE OFFICERS.				Courts, after reviewing the case of a petitioner, to pass such orders relative to the			
All officers in the judicial department prohibited, under pain of dismissal from office, from employing their private servants in the execution of any public duty. ....	VIII.	2	1st.				
And from employing any public officers on their establishment, not being <i>peons</i> or other inferior servants, in the execution of any part of their private business or							

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	Regulation.	Sec.	Cl.		Regulation.	Sec.	Cl.
stamp duty paid by him, as may appear just and equitable. -----	II.	2	4th.	mits of estates, for which a permanent settlement has been concluded. -----	IX.	2	1st.
Additional rules relative to the consideration of petitions for review of judgment, in regular original suits and appeals.-----				Such provisions to be in force in all estates held under <i>khas</i> management. -----	---	---	2d.
Such petitions, in all practicable cases, to be received and disposed of by the judge who passed the decision, subject to the regular course of appeal.—Whose restriction, however, declared applicable to cases, where the judge, in passing a decision, may have exceeded the powers vested in him.—Rule of proceeding to be observed by the judges, in correcting such irregularities -----	---	3		And to be held applicable to the Sunderbuns, the hill lands of Bhaugulpore, and generally to all forests and wastes not specified in the settlement accounts. -----	---	---	3d.
Clause second, Section 2. Regulation IX. 1819, rescinded. -----	---	4	1st.	The Governor General in Council may vest any collector, &c. with the several powers specified in Section 20, Regulation VII. 1822, within such limits as may be considered advisable.—In such cases, the several provisions contained in Section 21. to be considered applicable. ---	---	3	
By what rules the Sudder Dewanny Adawlut and provincial courts are hereafter to be guided in admitting second or special appeals. -----	---	---	2d.	Rule of proceeding, when an arrear of revenue on account of <i>mohauls</i> , not permanently assessed, may not be paid within one month after it becomes due, and objections appear to a public sale.—Existing engagements may be annulled, and the <i>mohaul</i> let in farm.—If a higher <i>jumma</i> be obtained, the excess to be appropriated to the liquidation of the arrear, and to the payment of <i>malikanah</i> to the <i>malguzar</i> . -----	---	4	
The provisions of Regulation XXVIII. 1814, extended to the admission of such second or special appeals in <i>forma pauperis</i> , as may be hereafter deemed admissible under the rules in force. -----	---	5		Rules in modification of certain sections of Regulation II. 1819. -----	---	5	1st.
RECOGNIZANCES.				Collectors, &c. empowered, in making a settlement of lands, to issue a notification, and to require the appearance before him of all persons holding lands free of assessment.—Who are to continue their attendance, from day to day, and to produce all <i>sunnuds</i> , or other writings, under which they claim to hold the lands rent-free, or at a fixed <i>jumma</i> . -----	---	---	2d.
Criminal courts may, if they think proper, take <i>moochulkas</i> , or penal recognizances, from persons convicted before them, to keep the peace during a certain period.	IV.	2	1st.	Collectors, &c. engaged in the settlement of <i>mohauls</i> , empowered to have such land measured without awaiting a previous reference to the Board of Revenue. -----	---	---	3d.
Security to be taken, in addition to the <i>moochulkas</i> , to keep the peace in cases of an aggravated nature.—Nature of the security bond. -----	---	---	2d.	Collectors, upon commencing the settlement of <i>mohauls</i> , to give public notice by <i>latihar</i> one day previous to that on which it is intended to hold proceedings in any of the cases proposed to be investigated. ---	---	---	4th.
The provisions of Sections 5. 6. and 7. of Regulation VIII. 1818, to be applicable to all prisoners confined, on requisition of security, for keeping the peace under this regulation, and to the sureties for such persons. -----	---	3		Collectors empowered to proceed <i>ex parte</i> in investigations, should persons fail to attend after due notice given them.—And, with the sanction of the Board of Revenue, to resume such lands, if they appear to be held on an invalid title.—Defaulters neglecting to appear, or to furnish the information required from them, not entitled to stay the resumption and assessment of their lands.—Proviso. -----	---	---	5th.
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